



BETWEEN THE RAINBOWS AND THE RAIN

PHILIP FRANKEL

*Marikana, migration,
mining, and the crisis
of modern South Africa*

VISIT...

LANZAROTE
Caliente.COM



Between the Rainbows and the Rain:

Marikana, Migration,
Mining and the crisis
of Modern South Africa

Philip Frankel



Agency for Social Reconstruction
Johannesburg

Editorial and production services: Heavy Feather Trading cc

Email: gavin@hypertext.co.za

Tel: +27 83 278 4348

Layout and cover design: Wailing Rachel Creative Arts

Email: wailingrachelcreative@gmail.com

Printer: DTP 2 Print

+27 11 869 2419

Email: admin@dtp2print.co.za

Agency for Social Reconstruction 2013

P.O. Box 130131

Bryanston 2021

SOUTH AFRICA

978-0-620-57814-1

Copyright ASR 2013.

The following is registered and certified as the intellectual property of the author and/or ASR and may not be quoted or reproduced in any form whatsoever without the written permission of the author/ASR. All rights reserved. No part of this book may be reproduced, stored, manipulated in any retrieval system, or transmitted in any mechanical, electronic or digital form or by any other means, without the prior written authority of the author and ASR. Any person who engages in any unauthorized activity in relation to this publication shall be liable to criminal prosecution and claims for civil and criminal damages.

BY THE SAME AUTHOR:

Pretoria's Praetorians: Civil-Military Relations in South Africa
(Cambridge: Cambridge University Press)

State, Resistance and Change in South Africa
(ed with Noam Pines & Mark Swilling) (London: Croom-Helm)

Marching to the Millenium
(Pretoria: South African National Defence Force)

***Soldiers in A Storm:
The Role of the Armed Forces in South Africa's Democratic Transition***
(Boulder, Colorado: Westview Press)

An Ordinary Atrocity: Sharpeville and its Massacre
(Johannesburg, University of the Witwatersrand Press & New Haven:
Yale University Press)

Falling Ground: Human Approaches to Mine Safety in South Africa
(Johannesburg: Agency for Social Reconstruction.)

***Route South, No Exits:
Human Trafficking and Modern Slavery in Democratic South Africa***
(Forthcoming 2013, University of KwaZulu-Natal Press)

Dedicated to

“The A-Team – Angela, Andrea and Amelie”

“The happiest societies are those that remain undocumented”

Edward Gibbon:

The Decline and the Fall of the Roman Empire.

Table of Contents

Glossary	
Frequently used Acronyms	1
Introduction	
Democracy's Sharpeville	4
Chapter One	
Killing	24
Chapter Two	
Working	45
Chapter Three	
Migrating, Broking and Contracting	82
Chapter Four	
Living	117
Conclusion	
Over the Rainbow?	149
Footnotes	179

GLOSSARY OF FREQUENTLY USED ACRONYMS

ABET	– Adult Basic Education and Training
AMCU	– Allied Mining and Construction Union
AMR	– Annual Medical Report
ANC	– African National Congress
BEE	– Black Economic Empowerment
BBS	– Behaviour-Based Safety
CEO	– Chief Executive Officer
CONOPS	– Continuous Operations
COSATU	– Congress of South African Trade Unions
CSI	– Corporate Social Investment
CSR	– Corporate Social Responsibility
DME	– Department of Minerals and Energy
DMR	– Department of Mineral Resources
EBA	– Employment Bureau of Africa
ESCOM	– Electricity Supply Commission
FIFR	– Fatal Injury Frequency Rate
FOG	– Fall of Ground
GDP	– Gross Domestic Product
GRI	– Global Reporting Initiative
HIRA	– Hazard Identification & Risk Analysis
ICMM	– International Commission on Minerals and Metals
JSE	– Johannesburg Stock Exchange
JOC	– Joint Operations Committee
LRA	– Labour Relations Act
LTI	– Lost-Time Injury
LTIFR	– Lost-Time-Injury Frequency Rate
NIHL	– Noise-Induced Hearing Loss
NUM	– National Union of Mineworkers

MPRDA – Mineral and Petroleum Resources Development Act

MHSA – Mining and Health Safety Act

MQA – Mining Qualifications Authority

PPE – Personal Protective Equipment

PMG – Platinum Metals Group

RDO – Rock Drill Operator

SANDF – South African National Defence Force

SAPS – South African Police Services

SD – Sustainable Development

SLP – Social and Labour Plan

TEBA – The Employment Bureau of Africa

TIP – Trafficking in Persons

VFL – Visible Felt Leadership

As a matter of convenience we have used shortened terms common in the dialogue about mining in South Africa - thus Impala Platinum becomes simply “Impala” (sometimes called Implats), Anglo-American Platinum becomes “Amplats”. “Anglo” refers to the Anglo-American Corporation and “Anglo-Gold” refers to Anglo-Gold Ashanti. Karee No 3 shaft at Lonmin, a centre point for the 16/08 massacre, is mainly referred to as simply “Karee”. This not Karee No 4 shaft which is currently non-operational.

For the non-South African reader: “koppie” is a small hill; “bundu” = “veld” = rough open grassland; “takkie” is a soft tennis shoe used for many purposes including road-running – hence “when-the-takkie-hits-the-tar”(meaning “in actuality”); “n-boer-maak-n-plan”, literally “a farmer makes a plan” i.e. to plan something creative on-the-spot. “Gatvol”, put politely, is “totally fed-up”.

INTRODUCTION

Democracy's Sharpeville

“As a young boy in Soweto I used to see black miners at Johannesburg station huddled up in a corner holding their loaf of bread. People didn’t talk to them. We didn’t mix with them. They were a completely different breed of people and they were looked down upon.....For me the challenge was to fight for their dignity, to get the miners to walk tall, to be proud of being mineworkers, to be proud of the contribution they were making to the economy of this country.....for mine workers not to feel they were nothing but nonentities” Cyril Ramaphosa

Quoted from Dunbar Moodie –

“Becoming a Social Movement Union”

Cyril Ramaphosa and the NUM”,

Transformation No 72/73, 2010..

You cannot, it is said, judge a book by its cover. This is equally so in this volume because “Rainbows” is not about the Marikana massacre per se. It is not specifically about inter-union struggles for dominance in the labour movement; nor does it focus on the exploitative machinations of mining capital, Lonmin in this case. It does not explore the apparent incompetence

of public order policing – at least not directly. Except in its conclusions, one might add, it does not deal with the immediate political consequences of an event sure to become historically iconic like Soweto 1976 nor, more pointedly, the Sharpeville massacre over a decade earlier.(1)

This is not a book whose central purpose is to pinpoint who killed who, why and where. Some of these issues have been covered, if thinly and without sociological depth in the popular media, and, to an extent, in the one book-length study of Marikana on the shelves as I write.(2). Nonetheless I feel it far too early to pronounce authoritatively on Marikana, least of all to

Marikana has become a moral barometer against which future developments in mining and wider South Africa will be measured for many years to come.

cast judgement on the key role-players such as the Marikana miners who were killed (and who killed in turn), Lonmin (their employer), NUM (the predominant labour representative pre-Marikana), AMCU (it's possible successor), or the South African Police. It was the action and counter-action of all these

diverse people and organisations which ultimately conspired to shape the human drama that took place on the bare veld just up the road from the Lonmin gates on 16 August 2012.

This historical moment has, from all accounts, irrevocably altered South Africa's industrial and political landscape. Perhaps more importantly in the longer term Marikana has become a moral barometer against which future developments in mining and wider South Africa will be measured for many years to come.

A government-appointed investigative commission has been at work to examine the preconditions leading to the deaths on 16 August 2012. I believe this legal mechanism will deliver at least some of the proverbial "goods" on the agenda but by no means will that investigation cut close enough to the truth and complexity of the whole matter. This is precluded by its narrow terms of reference, its legal orientation and hence is preclusion from venturing more deeply into the underground sociology of Marikana, other mines

and, ultimately, post-apartheid South Africa. Still, we need to take heed of the Farlam Commission which will, no doubt, raise more analytical evidence about Marikana than we have at this nascent point so soon after its occurrence. It would be premature for me to arrive at “authoritative” conclusions before Farlam’s final report, which is now expected, belatedly, towards the middle/third quarter of 2013.

I cannot say with absolute exactitude what happened on that day, nor, I suspect, can Farlam, or even people present at the massacre. It all depends on where you stand, both spatially and ideologically. What I probably can do as a sociologist of both mining and South African developments from before the end of apartheid is explore the structural, as opposed to particular, factors that have led to an occurrence which has churned emotions in the global village, among South Africans of all persuasions, and of course the people living and working in Marikana, including those working in similar mines, some along the same “western” platinum limb, some much further afield.(3)

About a decade ago I wrote a book about a comparable event – the massacre at Sharpeville – which is at first sight a far more prepossessing place than Marikana. This little town, east of Rustenburg and north-west of Johannesburg, seems a most unlikely place to stir world imagination. As a community, Marikana has very little history (that we know of). Prior to the arrival of the platinum mines a historic wink ago Marikana had no particular significance to anything, as opposed to the neighbouring town Mooinooi (the “pretty maiden”) which possibly has a story behind its establishment.

From all accounts, even after the sinking of the first mine shaft, Marikana was an entirely normal, small and relatively isolated agricultural village in the surrounds of a still-standing but also unexceptional Dutch Reformed Church. This, under apartheid was patronised by the white farmer population. (4) The arrival of the mines on a large scale changed almost everything. Marikana then became what it is now – a fairly shabby mining settlement no different from the many others strung along the sides of what is currently the N4 Pretoria-Rustenburg highway.

This is, not without reason, known colloquially as the “platinum highway”. Marikana is in fact an integral part of a vast string of mines stretching through the bushveld from Rustenburg for hundreds of kilometres northwards to the Zimbabwe border and then along the outlines of the Kruger National Park. Together the eastern and western limbs of this bushveld complex are the richest platinum mines on earth, containing 80 percent of known deposits. Most of its ore, when extracted and processed, is utilised as catalytic converters in just about every car in the world.

The Marikana mine owned by Lonmin is, in fact, the third biggest platinum mine in South Africa with over 30,000 workers – of whom 3,000 were in the veld on the fateful day. Perhaps more importantly the Marikana mine (with three working shafts) is not very different in its operations and social composition from other huge abutting mines owned by transnational companies, including Anglo-American, Impala, Aquarius and Xstrata.⁽⁵⁾ These relatively adjacent operations together form the backbone of the South African platinum industry – the world’s biggest and a major contributor to the South African export economy. In terms of industrial connection there is an inevitable spill-over between them: what happens at one – perhaps industrial disturbances - almost inevitably impacts on another.

Prior to concluding this book I had discussions with Lonmin and other high-level mining executives from some of these aforementioned mining giants. All, but most especially the Lonmin senior managers, were understandably concerned about the content of *Between the Rainbows and the Rain* and its reputational impact on their companies – indeed, on an investment hungry South Africa. Lonmin at the time had already become the “polecat” of the mining world - at least as far as the media was concerned – and was, like its co-company’s in platinum, under severe financial pressure for many reasons, including recent industrial stoppages and increases in the cost of labour.

We did not directly address these issues. Rather, I pointed out, perhaps over-therapeutically, that what had happened on August 16th was “unlucky” for Lonmin. This was not meant to be cynical, facetious or even exonerating, but simply to emphasise the un-exceptionality of Marikana as a South Afri-

can institution, particularly in the once-profitable realm of platinum mining. Marikana is, in fact, not atypical of other South African mining operations involved in the extraction of strategic and precious minerals, which include in their forefront massive amounts of platinum, diamonds, coal, base metals and, to a decreasing extent, gold.

What took place on August 16th could just as conceivably have occurred with similar violence at just about any mine in South Africa – because of workforce similarities, common historical residues inherited from apartheid and preserved

Marikana is less about a single massacre with all its horrible specifics, and more about a fundamental degenerative process in mining and in civil society in general.

so exactly in the world of mineral extraction, similarities of geological conditions, the nature of industrial relations nationwide, the appalling state of safety in South Africa's "hard rock" mines or, perhaps most importantly of all, because the local mining industry has, albeit to differing degrees, experienced common discomfort in coming to terms with the transformative demands being made upon it by a new regime in the twenty years since apartheid. Perceived on this landscape the Marikana massacre is but a symbol or outcome of wider developments.

Many people of course died or were wounded at Marikana.⁽⁶⁾ These include not only miners who fell to police bullets on, or near, the central site of the massacre outside Lonmin, but also people with various degrees of connection to the mining industry. Among these collateral victims, over and beyond the conservatively estimated three dozen miners killed in the massacre, we have policemen brutally slaughtered by striking miners; Lonmin security staff hacked then burnt; the victims of factional – and we might add, quasi-criminal struggles between the unions on and around 16 August; miners who went on sympathy tools-down at other North-West mines post-Marikana and were then slaughtered by police or their colleagues – and; not least of all, many largely unknown "others" in distant parts South Africa sucked into the socio-political vortex with Marikana at birth.⁽⁷⁾

As we shall show in the next chapter, people died violently, not only on the

fateful Marikana day of August 16th, but long before. Perhaps more significantly, people continued to die in brutal circumstances with Marikana as the instigator for months thereafter. Conceived in this way, Marikana, is once again, less about a single massacre with all its horrible specifics, and more about a fundamental degenerative process in mining and in civil society in general. This encompasses not only the North-West Province, where poor governance, exploitation and atrocities against human rights are among the worst in South Africa, but all of the other eight provinces that make up the supposedly new democracy.

The mining industry continues to be in its worst crisis for decades as we enter the first moments of 2013. Massive companies like Anglo Platinum are threatened financially by production downtime, the labour relations system is in tatters and the main unions, NUM and AMCU, remain divided and at each other's throats. At least half a dozen mines are expected to close, at least temporarily, during the new year (2013) in the face of declining profitability and internal conflicts within the workforce. The anticipated "unbundling" of Goldfields is most likely to set off a disinvestment momentum that will leave mining uncomfortably under-capitalised in local hands.

South Africa is, as inferred on our cover, nowhere near the "rainbow" status it previously enjoyed on the international and domestic front. Once the "flavour of the month", or even the icon of political transformation, South Africa is now, two presidents on from Mandela, a deeply troubled country. It is, by common consent among statisticians, one of – if not the most – unequal society in the world, and, by all criteria of good governance, one of the most badly governed in the execution of public policy, even by the dubious standards of its continental peers. On international indices of criminality, corruption and social deviancy of all types South Africa is a front-runner that has long since outstripped its "less developed" neighbours.

Much of this has not been made overly explicit in the dialogue surrounding Marikana in the last few months. Short of the best journalists, most writers have reduced a moment of national, if not international, significance to a series of industrial strikes gone wrong for the miners, mining and the

economy of South Africa. Digging deeper into the sociology of the communities on the barren veld near Rustenburg, however, reveals that what happened there some months ago is less than abnormal by the standards of a country that currently has an estimated 150 rapes per hour, somewhere short of 20,000 murders per year, a fifth of the population living on or below the starvation line – and, not to push a gloomy point – almost 300 accidents per day in its mining industry.(8)

The latter is at least partially attributable to the fact that labour relations, wages and working conditions at the Marikana mine (and others that extract platinum, gold and other valuable ores) are incomparably bad when compared to those in other mining countries – Australia, Canada, the USA, UK or Western European nations – with which South Africa tries, if desperately, to identify as a modern mining nation.

Our research and operational climate is also fundamentally different. Technical research has lagged seriously behind in modernising mineral extraction in alignment with international best practice, while research into human relations and human risk management remains deeply underdeveloped.

Most mines commission questionable “climate studies” that attempt to incrementally explain mining “culture” but it is extraordinary, if not indicative of the insensitivity to human rights in the mining industry, that virtually none of the potentially explosive issues around work and community development have been addressed with energy or enthusiasm over the last twenty years other than in mainly self-serving studies by the mining companies. Most of these, I have found, are ultimately driven by production requirements with an aside to working conditions.

As a major mining country we have, as one industrial journal tritely puts it, “forgotten something”. Indeed we have – and what has apparently slipped our memory are the people in mining – the (linguistically sanitised “human factor” in mining new-speak – the vast numbers of often de-humanised mining employees outside management, below supervisors, deep underground, down at the rockface).(9)

This does not, of course, apply equally and everywhere because of the enormous diversity in the “mining industry”, despite the stereotypic tendency of people to reduce it to a large clutch of powerful organisations whose core business is to blast, break, process and then sell precious rock on the world market.

Some mines, especially the gold mines, run thousands of feet beneath the earth at least partially because most of the easily accessible shallow gold reef has been mined-out after decades of extraction. Other South African mines are open-caste, on the surface, including one of the largest platinum mines on earth in Limpopo. Needless to say, the deeper the mine goes, the more dangerous and greater the technological, organisational and, not least, the human challenges.

Mining includes gold – the ore with which SA mining is historically associated – but also platinum, coal, diamonds, zinc, iron, manganese and, to a still-limited extent, the so-called “rare-earth” minerals without which most digital technology is dysfunctional – and there are major differentials in the way mines work. Many coal mines are highly mechanised, relatively shallow, and involve soft-rock extraction which is considerably more risk-free than working at deep-level with hard rock and less sophisticated equipment – as is the case in gold or platinum mining. Accidents, injuries and, to a degree, industrial conflicts, are significantly more likely to occur in these sectors as opposed to other less lethal or “softer” sectors of the industry.

There are older (brownfields) and new greenfields mines in an industry dating back over a century. In our research we have found that the “culture” differs substantially in the mines coming to steady state in recent years. What takes place in human relations is nevertheless standard, irrespective of mine age, being largely determined by imperial mine managers or available technology. What goes down in the mine ultimately depends on what mine owners care to invest in people with a careful eye to labour costs and profits.

Some of the older mines are truly dreadful operations, using redundant, makeshift, unsafe and unproductive equipment. Other newly commissioned mines such as the South Deep Mine at Carletonville, near Johannesburg and

owned by Goldfields, are inevitably crisp, efficient, cutting edge and may consist of the most advanced operations available for ultra-deep-level mining in the world.(10)

Otherwise, in many mines conditions can be primitive in terms of mechanical integrity, human relations and compliance with health and safety legislation. This was one of the findings of the National Mine Health and Safety Audit commissioned a few years by the Office of the President (then Thabo Mbeki) from the predecessor that is currently the Department of Mineral Resources (DMR).(11)

The following book is not specifically concerned with the ongoing debate over nationalisation of the extractive industries, which we expect to be taken off the ANC agenda in 2013, or at least re-translated into a new, less threatening dialogue around “strategic” minerals. We shall touch on these issues in the conclusion which briefly postulates on the possible consequences of the 2012 annual ANC National Conference held in December in Mangaung (Bloemfontein).

For the rest, there are, I believe, three key issues or themes, each worthy of a book in its own right, that we need to examine above all else in understanding the specific violence of the Marikana massacre and the dissemination of its “spirit” in fueling the worst industrial disturbances in South Africa since 1994. These features reflect, in turn, the character of a “post-miracle” South Africa twenty years down the line, and its mining industry in particular.

Firstly there is the workplace, the mine.

The local mining industry is without doubt the most conservative sector of the post-apartheid economy and, as we have already inferred, most resistant to transformation. This means that the dynamics of leadership, communication, culture and human risk-taking are all still relatively de-coupled from many core values involved in driving the “new South Africa”.

Secondly, there are the workers themselves. This refers to their working

conditions, remuneration and behaviour, both on-the-job and in an extra-mural context.

At Lonmin, for example, this involves life in the mine hostels and in the sprawling informal settlements around Marikana shanties where most miners prefer, or are obliged, to live. Particularly apposite to the migrant miners who formed part of the Marikana protests is the manner in which the migrants “meet” the mine and the impact of the recruitment experience on subsequent existence. All of this shapes the oblique, but belated, post-Marikana discussion over what needs to be done to address the multiple social ills associated with migrant life in the wake of the massacre.

Thirdly, but by no means lastly, we need to scrutinise the “exit” point from the mine at the interface with the community.

Here we need to look at the impact of extraction activity on communities, especially adjacent communities that service the mine with labour and whose social problems are, in turn, transmitted back into the workplace itself. Especially important in this context is what mines do, don’t do, or can’t do for a range of people from workers to their dependents, in promoting sustainable development.

These key issues largely correspond to the organisation of the book that follows:

The first descriptive chapter deals with the dynamics of the violence that led to the massacre. Much of the methodology in this section is based on my own previous experience with massacre dynamics from the time of Sharpeville.

Chapter Two looks at the deeper issues in the typical South African underground mining workplace that, in my opinion, fuelled the killings of 16 August and the subsequent industrial violence that cost many more lives of miners, police and ordinary members of North-West province communities in the last few months of 2012.

Chapter Three goes beyond the social geography of Marikana to examine the recruitment process in the platinum mines (and to a lesser extent in other mining sectors), i.e. the dynamics under which migrant labour enters mines through a complicated system of labour brokers. It is, I believe, the first time that anything has been written with a specific focus on how labour broking works at a grassroots level behind the veneer of conventional labour practice.

Inconsistencies in recruitment decisions are generally a problem for Lonmin (as well as other mines in the wider industry) who appear highly selective, but also quickly dismissive in whom they hire and fire. According to one of its senior managers Lonmin has a penchant to “sweep-out” troubling workers and the roots of the Marikana massacre actually go back directly to a process of mine disturbances leading to the lay-off of about 10,000 workers in mid-2011. Many of these were re-hired along with a small cadre of militant new workers whose role on 16 August was decisive.

The ease with which these industrial transactions are carried out by not only Lonmin but also the other big mines in the nearby Bojanelo District owned by Anglo Platinum, Impala Platinum, Xstrata and Aquarius is enabled by the increased and often irresponsible use of contracted labour in the entire industry.(12)

Most of the big companies around Marikana violate the principle agreed with the traditional authorities that workers should originate within 50kms of the shafts. At Marikana about 40 percent of workers are human imports. There are allegations of collusion between mine management, labour-brokers and corrupt brokers-cum-traditional chiefs who ask, and are asked, no questions in the provision of workers. Exchange of sex and money is common in return for placement on the mine lists.

The fourth part of the book examines what we see as the final element, or ingredient, in the Marikana “syndrome”, i.e. the environmental and social impact of extraction activities on communities not only in the North-West province but in other areas across the country that have been seriously

degraded by mining activity. While conflicts in the shafts over wages and working conditions drove the Marikana massacre process, there were also community factors that intersected at various points from mid-2012 to 16 August 2012 and beyond.

The concluding chapter is a kind of “whither-to-now SA mining”, now that the much vaunted South African experiment has run into stalemate, if not worse. We are clearly somewhere over the rainbow but there is no pot of platinum at its end. Gold, the mineral that once defined South Africa is also a “sunset” industry. Outside mining everyone, even government, accepts the need for fundamental change.

It needs to be said upfront that the Marikana massacre confirms the post-millennial pessimism into which just about all things South African have fallen.

Speaking personally after almost two decades in the mining industry, I believe that South African mining requires a much more robust and unequivocal commitment to the value of life in the self-reinforcing cycle from where the miner meets the mine, to the extrusion of impacts on the wider community as a consequence of his work.

Speaking personally after almost two decades in the mining industry, I believe that South African mining requires a much more robust and unequivocal commitment to the value of life in the self-reinforcing cycle from where the miner meets the mine, to the extrusion of impacts on the wider community as a consequence of his work.

ocal commitment to the value of life in the self-reinforcing cycle from where the miner meets the mine, to the extrusion of impacts on the wider community as a consequence of his work.

Take Nkaneng, Marikana’s “township”, which is only

one of many vast informal settlements dotting the bare veld around the gold and platinum concentrations mines stretching far afield through the North-West Province and beyond into Gauteng near Johannesburg. Entering it and similar settlements in the platinum belt is to veritably confront “the wretched of the earth”.⁽¹³⁾ There are many reasons behind this seemingly extreme statement.

Most of the structures glorified as “houses” are, for example, little more

than jerry-built constructions of iron, paper, mud and waste materials highly susceptible to social pathologies associated with household over-crowding, disease, cold, heat and the summer storms that strike the Highveld area with brute force. Some habitats housing Lonmin workers are no more than tiny sheds or low-slung kennels more appropriate for housing pigs or dogs. Yet they are shared by up to a dozen miners who sleep and work on a rotating basis according to the weekly shift schedule. Women and children also inhabit the larger of these dwellings designated, perhaps with irony, as “family units”.

The whole “town” is a lethal, breathing health hazard, foul-smelling and foetid with transmittable disease. In the course of my work with translators-cum-research assistants we frequently ditched our high-rise vehicle in knee-deep mud and then trudged delicately on islands of unknown material through a sickening mixture of sewerage-run off, animal excrement and mounds of garbage in order to reach the interview sites of various miners and community influentials.

Off-shift miners were generally dumb with fatigue (or spaced out with marijuana, smoked both in the workplace or extra-murally as an antidote to stress, depression or plain anger). Men, women, but particularly the children along the “main streets” and side-alleys between the densely packed shacks invariably suffer from respiratory diseases induced by heavy air pollution from the Lonmin platinum smelter towering in the east. Typhus is said to be occasionally prevalent (although this was forcefully denied by staff at Lonmin’s Andrew Saffy Clinic).

The water table is in any case dangerously polluted by cavalier and largely unregulated mining activity all along the “limb”. Water is unpotable so that many people resort to slaking their thirst with cheap home brews leading to diarrhoea and chronic stomach or colonic illness.

Digging deeper into community life we encountered widespread alcohol and narcotics addiction, serious crime involving murders by individuals and street gangs (often made up of Xhosa migrants who are widely disliked by the local Tswana), as well as the lethal mutually re-enforcing triad of HIV-

AIDS, tuberculosis and silicosis induced by inhalation of microscopic particles down in the deep of the mines. Hardly any of the women are gainfully employed because there are no jobs on the local market or anywhere nearby. Many, even very young teenagers, are burdened with children who attend school irregularly because of the absence of books, underpaid teachers or sheer lack of motivation. Rape, domestic violence, family breakdown and trauma are so casual as not to be noticed.(14)

This is the “new” South Africa. This is the home for many people who went up the now iconic “Mountain”, a cluster of rocks immediately opposite Nk-aneng on or before 16/08.

I might add that I personally, along with many other observers of mineral extraction in South Africa, both here and abroad, also have great problems with what goes on inside the mines in the world of work.

*Most mines in South Africa
are, in fact “immature.
This means that management,
supervisors and workers live
on what are in effect different planets
that rarely intersect in a mutually
re-enforcing manner.*

Mine labour of course attracts the least skilled South Africans who are, for the most part, people otherwise unemployable in the market. Those who work under the most arduous underground conditions are also migrants from Lesotho, Mozambique, the

Eastern Cape and other poverty nodes in the country, following in the footsteps of their forefathers. Most of this large lower-end group come to the mines for purely survivalist reasons and few have, despite the public relations of the mining houses, a vocational appetite for a hard, hazardous and poorly paid underground existence.

As the industry has sought to cut costs and undermine the labour movement the proportion of total labour who are contracted workers has increased. This migrant-contractor group enters and leaves the mines on a periodic basis from a few months to many years during which contracts are renewed – or, more ominously, workers are laid off under the pressure of

organisational restructuring aimed at rendering local mines competitive in the global industry.

The mines have few responsibilities for this in- and ex-filtration because a very good proportion of the messy business of recruiting labour has been hived off to brokers. Some of these brokers are legally registered, but as we shall point out in a later chapter, some use practices akin to human trafficking. Most contracted labour – about 30 percent of those at Marikana - live in a troglodyte netherworld punctuated by breaks in appalling rural slums, or adjacent to mine property just beyond the line of vision from the shafts or – to use a more evocative term - the pitheads.

Much of this dismissiveness of human beings, their needs and rights, derives from the driving requirement for cost containment (particularly labour costs), the lingering viciousness of apartheid in social relations, the profound economic inequality to which we have referred, and the moral degeneration that has become embedded in South Africa down the line since its “miraculous” rebirth. All of this feeds into deeply degenerated communities formed around the mines that feed off, and are in turn fed by every conceivable form of social disorganisation.

Most mines in South Africa are, in fact “immature”. This has nothing to do with age but rather with international scales that have been developed to measure performance excellence in mines worldwide. While there are variations, most South African mines figure poorly when benchmarked by these instruments, most notably the Bradley Curve, a universal mechanism that examines both the technical and social competence of mines and other organisations with a view to business excellence. Relative to our points of comparison – Canadian, Australian or American mines – SA mines are certainly way down the scale on the human if not the technical level. This means that we lack the consistency and content of human relations that allow mines to work effectively. As we have inferred, it also means that management, supervisors and workers live on what are in effect different planets that rarely intersect in a mutually-reinforcing manner. This is as true of Marikana as any other mine of which we know across the country.

The immature mining organisation is also inevitably one where the delicate balance between safety and production has not been worked out in such a way as to satisfy business and human goals. The safest mines in the world are almost inevitably the most highly productive, while the most productive are those which ensure that work takes place in a low risk environment. Yet, South African mines have done relatively little to address this problem, other

Many of those on the veld at Marikana cannot “live safely” as mine leadership admonishes, because everybody on the mine, their peers, shift bosses and even managers, are prisoners of a production mania in which the preservation of human life is not necessarily the primary component.

than a few safety programs for safety incentivisation among their most progressive members. Production remains “king” and this means that our mine-workers function in severely dangerous conditions. It is this combination of low rewards for high risk which ultimately fuels situations like Marikana.

Marikana is, at least on the surface, about poor pay, police brutality and the temerity of people working in atrocious circumstances to demand what amounts, in South African circumstances, to a lower middle class wage. It is, at its simplest, about people who are abysmally rewarded for doing work that no one other than the desperate will do. Yet, as the recent study by the Benchmarks Foundation has indicated, it also clearly about many other complex factors including an unequal and unsustainable system of production and distribution, environmental disaster with multi-generational impacts, exclusion of people living on the bare margins of existence, and denial of human rights to life and freedom.

I have pretensions to be a mine safety expert, not only through moral conviction and a sense that what we see in South African mines represents only one facet of the extreme exploitation of people despite a regime change in the country of my birth, but also because I am appalled that most mining companies have not, cannot or will not, absorb the simple universal fact that mining safely is inextricably good for production and world-class entrepreneurial performance.

Except at the highest corporate levels, and then only among a small cadre of real leaders, many mining managers, supervisors and even operators enmeshed with the production and production bonuses, argue this is not necessarily so – or having done so then fail to “walk-the-talk”. I have yet to see the zero-harm which the industry talks so freely about occurring on any kind of sustainable basis. In no mine, way beyond Marikana, can it be said that any worker or supervisor can feel reasonably sure that he will return home with life and limb intact at the end of each the working day – as is the case in, for example, the Canadian or Australian mining industries.

This continuous dread is worse as one goes deeper down the mining hierarchy and into the stopes where most people work under the worst – and worst-paid conditions. Many of those on the veld at Marikana cannot “live safely” as mine leadership admonishes, because everybody on the mine, their peers, shift bosses and even managers, are prisoners of a production mania in which the preservation of human life is not necessarily the primary component.

Many things have changed since the “old days” including the costs of being unsafe. It is estimated that a single death costs a mining house a conservative R6m in direct and indirect costs. This excludes the costs of industrial injuries and a lack of wellness among miners who are eventually killed in large numbers by occupational illness. There is both a strong business and moral case for less hazardous extraction activity bearing in mind that well over 70,000 people have been killed in South African mining since its inception on a large scale.⁽¹⁵⁾ As we have already intimated, 300 injuries, many leading to permanent disability, still occur each day and unmeasured millions of men are continually boarded and sent home dying of HIV-AIDS, tuberculosis, silicosis and other respiratory ailments.

This is the quiet reality behind Marikana (and many other mines) with whose generic features, dysfunctionalities and their manifestations I have spent a decade wrestling as a mining sociologist employed by some of the big corporates and, somewhat less frequently, the public sector.

In the following chapters I examine this ongoing lack of concern, this zeal

to produce at any human cost, or as they say in the industry, to “mine at risk”. This means that many of those who populated the Mountain at Marikana up to, and during, the massacre are simply fodder in an enormous machine where it is ethically acceptable to kill per ton. If I might be exceedingly more generous, then the following chapters are about the inability of the min-

Marikana has certainly given all of us food for thought regarding mining and developments in wider South African society. I therefore hope the book will be of value not only to those who run mining companies but also to ethical investors, policy makers and readers who seek a deeper insight into the human challenges posed by our mines and South African times.

ing industry to find the right formula for preventing deaths, injuries and organisational conflicts in a global market where their competitiveness depends to a large degree on cheap labour. This occurs in a society where we have one of the most developed systems of human rights and some of the most progressive mining laws – some of which apply some of the time.

I must admit that much has been done at the tactical and operational (but less so at the strategic) level to alleviate conditions on and around the mines. Lonmin and the other big companies have also taken steps, if totally inadequate and often misguided, to address community under-development both in near-mine communities and labour-sending areas in the countryside.

The industry is not often given credit for what it has achieved and this is dealt with in the final chapter which refers to some of the annual reports and sustainability reports of the major mining companies. These reflect huge investment amounts supposedly being pumped into corporate social investment (CSI), corporate responsibility (CSR) and interventions to reduce accidents and injuries. Unfortunately much of this money for environmental assessments, feasibility studies and the social and labour planning required by law (SLP's) has little discernible impact, (least of all sustainable impact) either on the ground or under it.

This book is purposely pitched at a high level of generalisation and will no

doubt generate protest from some companies in this diverse sector of economic activity. But when readers or shareholders respond “this does not happen in our mine”, they should bear in mind that it is probably happening at the mine down the road which works in the same or another mining sector.

Our focus is on generics rather than the issues at a single mine, in one company or one operation. The only mining company which is mentioned frequently is Lonmin and that is because of its intimacy with events on the veld at Marikana, as well as more recent allegations that it failed to exercise care and skill in the period leading up to massacre and the days thereafter.⁽¹⁶⁾ Even then, where we do not mention the specific names of companies, we are not insinuating that these are also Lonmin problems rather than issues confronting extractive activity in the platinum and gold mining sector in particular.

In the last analysis, I hope nonetheless that many of our major and junior mines will take heed of what occurred at Marikana in order to revisit mining practice when it comes to people and communities. It has been suggested to me that I should develop an industrial booklet to accompany “Between the Rainbows and the Rain” which would pinpoint what, in practical terms, needs to be done in relation to the problems - based on various research reports on mine safety compiled by myself and colleagues. This is being completed as we speak and is available to anyone but is probably of greater interest to practitioners in the industry at high management level.

Marikana has certainly given all of us food for thought regarding mining and developments in wider South African society. I therefore hope the book will be of value not only to those who run mining companies but also to ethical investors, policy makers and readers who seek a deeper insight into the human challenges posed by South African and its mines.

I have used the personal “I” in the course of this book in a way that does not do justice to the work of the collective “we” - the small research team which assisted me despite the risks in the immediate aftermath of the massacre. While I accompanied them into the shacks and stopes this was neither possible nor desirable in many cases. If for no other reason they had a com-

mand of vernacular languages, especially Xhosa and Tswana, which I did not. I also want to thank some people who cannot be named, from the National Prosecuting Authority and the International Organisation for Migration (IOM), who assisted me in penetrating some of the criminal networks without which the section on labour broking-cum-human trafficking would be impossible. Pen-ultimately, I would also like to thank Chris Ladoux who I don't know, who has absolutely no connection to anything South African or extractive, but who penned the song that inspired my book title.

It goes without saying that this book is dedicated to those who lost their lives at Marikana and Marikana-related conflicts post-16 August 2012. In the end most of these people derived little to nothing from the advent of the rainbow nation.

CHAPTER ONE

Killing

Massacreur – the butcher's knife used for skinning, cleaning and paring animal flesh - (Early Modern French, associated with the 16th Century French wars of religion between Catholic and Protestant).

“That is where the body lay”, said the man to the group of observers and a small white dog. “They shot him and he fell dead there...” He points to the dry patch of ground near the dilapidated tin shacks and desiccated trees. The group nods sagely, and smiles at the dog.

There is an elderly man with a red tie. His companions are mainly men in casual clothes but there are also two women, one with a dark skirt, the other wearing a wide-brimmed hat. Everyone is hot in the veld. There is little shelter from the blazing sun of a South African spring morning. One man wears a smart white Panama to shield himself from the sun. The elderly man wipes his brow, and later rests on a rock. So does the dog.(1)

The date is October 3rd 2012, the place is the killing site outside the Nkaneng informal settlement near Marikana. The group are the members of the Marikana Commission of Inquiry who have come for an inspection of a place that recently witnessed the worst killings in South Africa by state authorities since Sharpeville, some fifty years before. The older man is retired

Judge Ian Farlam appointed to head the Inquiry along with two eminent state councillors, Bantubonke Tokoto and Pengla Hemraj. Further back in the group there are jostling members of the local and world media who have been accredited by the Inquiry to cover the inspection.

What is being inspected is a critical first step, in situ, in an investigation due to last months into the new year, 2013. "This day, when 34 protesting miners were shot dead by police, is only the climax of a series of killings that began well before August and which initiated a spiral of mutually reinforcing violence".

These will, by year-end, have taken the lives of a further twenty people, with dozens wounded and thousands traumatised in both Marikana and neighbouring mining communities across the platinum belt around the large town of Rustenburg, less than two hours' drive east of Johannesburg. Judge Farlam and his colleagues are the latest role-players in an ongoing process, the late-arrivals in a series of events destined to change the face of the mining industry, as well as South Africa.

Seventy-eight people were officially injured on August 16th. Multiple others still continue to be injured in clashes between miners and police on a daily basis. This is far less than the injured at Sharpeville over fifty years before. As at Sharpeville, many victims were shot in the back running away from police bullets and not discernibly attacking the forces of law and order.

As at Sharpeville, the Marikana dead consisted not only of those who died in the first volley of gunfire, but also those who were wounded, lay helpless on the ground and were executed in what appear to be coups de grace. In the subsequent massacre, police pursued victims in flight to a set of nearby rocks where they were cornered and, despite their pleas, were callously gunned down. None of these victims was, to the best of our knowledge, armed but this did not save them from execution. At Sharpeville too, the helpless, once wounded, were dispatched in front of the police station. (They were not shot, as allegedly at Marikana, but stabbed to death by black police who, precluded from using guns, fulfilled their grisly task with long-handled spears) (2)

As at Sharpeville we will probably never know with exactitude how many people died or, in all likelihood, were injured on and around 16/08. Mines in the area have a penchant to conceal or manipulate the numbers of people who die in “routine” mine accidents. Much as was the case at Sharpeville, police at Marikana sealed the massacre site and then cleared the fallen. What we do know, indeed, is that Sharpeville was initiated by an authoritarian regime defending its sectarian political interests whereas the police at Marikana were acting on behalf of a democratic government. It is this that has amazed the world and tarnished South Africa’s image as an icon for tolerance and change. Marikana is, in effect, “democracy’s Sharpeville”. This diminishes the status of the “rainbow” nation once vaunted as exemplary in bridging the barriers of race, class and culture.

Much again like Sharpeville, which was a defining moment in the struggle against apartheid, Marikana represents a watershed with implications that spill far beyond the narrow geography of a mine in an erstwhile unknown town in the North Western veld. August 16th 2012 is, without exception, the most lethal instance of security forces acting against civil society for over fifty years. Arguably, it is the most devastating single event in the history of South Africa since 1994.(3)

The Farlam Commission has been tasked to investigate and distribute blame for the events of August 16th and is now at work examining the behaviour of the key role-players and sequence of events in the days leading up to the massacre. These key role-players include the South African police who have appeared as first witnesses; the contesting union movements - NUM and AMCU, whose competitive dynamics drove the massacre process; the Department of Mineral Resources (DMR) and Lonmin, on whose property the massacre took place.

The Lonmin mine also stretches for many kilometres across the dusty veld and is one of the largest in the platinum world. Extraction of ore can here, as in the deep-level goldmines further to the east, go down deep into the bowels of the earth and, as can be anticipated, these daily activities can pose major technical problems for mine managers, who generally come from

an engineering background, and their teams. Given this engineering background the human challenges of mining are often diminished by mid- to senior personnel who are production-minded and, for the most part, utterly disconnected from the real dynamics of the workplace.

In the workplace itself the production process is directly driven, often relentlessly, by shift bosses and other front-line supervisors. Below them are a mass of artisans and general workers, some of whose menial work involves preparing the stope for its daily blast, cleaning up thereafter, loading ore and moving it to the surface. Critical amongst these workers however are the rock-drillers, or RDOs, without whose activity most mining operations come to a halt.⁽⁴⁾ The RDOs at Marikana, and elsewhere on the platinum belt, are mainly Xhosa migrants who do the heavy labour not only because the local Tswana are less-inclined to do so, but also because they are considered in mining legend, much like the Zulu, to be men of great physical prowess. This is reflected in the fact that the RDOs are widely considered by co-workers as the aristocracy of the subterranean labour force. They work harder and, in the logic of things, are paid better.

The RDOs in the three working shafts at Marikana – Eastern, Western and Karee 3 – are the key to the cause of the Marikana massacre. Karee in particular has had a “troubled” history for a number of reasons.

Firstly, it is the dumping ground for contracted migrant workers, i.e. for the most unstable section of the labour force moving constantly and at great distance from the mine back to their “homeland” areas. Secondly, because of human movement it is difficult to unionise at Karee, even should NUM take more interest than it does in workers on short-term contracts. Relative to its sister shafts, Eastern and Western, NUM has not been strongly embedded in Karee. Last, but not least, the tenuous relationship with NUM is cross-cut by many personal conflicts between shop stewards from Karee and their union colleagues. Leadership at Karee has always been critical of the close cooperation between NUM and mine management. This is replicated by RDOs with the consequence that Karee has become a gathering point for drillers disenchanted with both management and NUM as the representative union

under present labour law.

AMCU has logically drifted to Karee as a stepping stone for challenging NUM at Marikana. Mobilisation by the new union appears to have taken off in early 2011 when general workers and RDOs at Karee first began to seriously consider deserting NUM in favour of the new activist union. Many were repulsed by the fact that NUM did not appear to be actively representing Karee interests and was far too compliant regarding mine management requests on both small and larger operational issues. Behind this lay the wider issue of the transformation of NUM into a 'sweetheart union' since the heady days when NUM had led labour into liberation.

Tension grew between the unions in the first months of 2011 on the heels of what appeared to NUM to be a serious recruitment drive by a handful of AMCU activists who had begun to win over a small, but tactically important portion of NUM members among the rock-drillers.

While most AMCU activity did not reach beyond Karee, there was conflict, some violence and then sufficient work stoppages to induce Lonmin to "sweep-out" Karee workers. In mid-2011 some 10,000 Karee staff were retrenched, including a small group of AMCU, a large number of NUM members and others of uncertain affiliation. But the mine suffered major production losses and was therefore open to overtures from NUM on the part of its (but not AMCU) membership. Hence all except the known AMCU people were quickly re-employed – but subject to new service conditions. As punishment everyone lost their accumulated benefits so that miners who had been at Lonmin for years now found themselves working from day one. In effect many miners were, at the stroke of a pen, reduced from seniors to rookies.

The representative union NUM was unable to reverse the situation and consequently, despite the AMCU purge, small pockets of AMCU supporters began to grow again in NUM ranks, at Karee as well as Eastern and Western, where there was growing antagonism towards existing arrangements. Many of those fired could not readily be found because they had vanished into their homelands in the Eastern Cape; others refused outright to work under

the new conditions and some found alternative employment at other mines through labour brokers.

Lonmin, now short on Karee workers, turned to local brokers to make up the numerical difference as quickly as possible. While most labour recruitment is indiscriminate, as luck would have it, the brokers presented a contingent of miners who would not under other circumstances have been appropriate to a mine that has made a point of employing compliant workers. Most were from the Klerksdorp area, previously retrenched, militant and bitter. Perhaps most importantly, all, or almost all, were members of AMCU. These miners were eager to relocate to Lonmin as part of the process of building a base among Karee and other miners.

Enter the RDOs, many displeased with the developments. Most had lost their assistants during the labour changes and were now obliged to work single-handedly with huge, heavy drills that are their stock-in-trade. This is both physically demanding and dangerous because the drill cannot be casually started and re-started without loss in production time. Rock-drillers were therefore obliged to leave their drill on when attending to tasks normally undertaken by their assistants. This vastly increased the risk of the drills falling or swinging round and injuring their operators.

The Karee RDO's were still by and large supporters of NUM. Most were reluctant to move to AMCU who appeared to favour the general workers among whom they were now developing fairly large support. The Karee RDOs therefore decided to unilaterally approach management and to demand extra pay for the work they were doing which was, as the situation stood, that of three or four men. Lonmin management listened and, after haggling, agreed to pay the RDOs an additional amount roughly equivalent to an assistant's wage under normal circumstances.

The exact amount is uncertain, but clearly not magnanimous. Either way, this secret deal with Karee management enraged other RDOs at Western and Eastern shafts who began to press their NUM shop stewards for similar raises. AMCU leaders, a handful of miners, perceived the drift in the wind

and endorsed hikes for RDOs in all three Lonmin shafts. They also agreed to address the service conditions of the Karee miners who had been fired and then re-hired. NUM refused to recognise the RDO/Karee deal which it saw as a ploy to undermine worker unity. AMCU influence now increased across the mine, even outside the elite RDO circle where the public image of NUM as compliant to the bosses was reinforced.

The early and mid-months of 2012 were a time of heightened tension. Lonmin argued that it could not meet RDO demands across the mine which amounted to a small 10 percent, nor could it meet the escalating demands of other workers who had jumped on the wage bandwagon. NUM representatives at Western and Eastern increasingly fell in line with management not only because of its convention of doing so, but also because it recognised that higher pay would lead to retrenchments, given the ongoing crisis in platinum. This had arisen at least partially because of cavalier Section 54 shutdowns under the Mine Health and Safety Act when non-compliance with safety regulations was either suspected (or detected) leading in turn to production downtimes, falls in production and subsequently in profits. The mine owners were simply not prepared to contemplate wage hikes for almost anyone under these threatening circumstances. Should mines retrench under these conditions NUM credibility, power and a status built over decades of struggle would inevitably suffer.

AMCU leaders, some drawn from the new Klerksdorp contingent, aspired to displace NUM as the majority union and be recognised by Lonmin as the representative body of labour. This agenda was driven by the power, membership and money that would accrue to them, were NUM brought to its knees (as well as other objectives linked to penetration of the labour broking networks). Somewhere in all this was a concern for worker's rights, their pay and working conditions.

At Impala Platinum down the road the tide had already turned. AMCU had established its position by exploiting historically internecine conflicts between workers and NUM. These led to a massive strike that goes down as one the largest in the history of platinum mining even though events at

Marikana were soon to displace public attention. Success at Impala also worked to the advantage of AMCU where RDOs and other workers were beginning to curb their concern about joining what had, until recently, been a minor break-away union. This was most strongly the case at Karee where pressure on the primarily NUM leadership led to key leaders confronting their own colleagues in the other shafts. One of the primary shop stewards was so detested by NUM that he was effectively removed by the union. In exemplary fashion he (and some others) then joined AMCU.

By the beginning of August 2012 AMCU was firmly embedded at Karee, if not the primary union at Marikana. Since wage increases appealed to everyone, AMCU activists now directly called for a R6,000 increase across the board for the entire mine, in a move calculated to spread its influence to Eastern and Western shafts. Neither the Klerksdorp cadre nor AMCU at this point believed such an increase would be accepted by Lonmin management but put it forward anyway as a first bargaining position. In a further move towards consolidating its power, AMCU also advocated the transfer of shaft affairs from cautious shop-stewards to a new shaft committee composed of everyone, including observer miners from Eastern and Western shafts.

On the evening of Thursday 9 August a large numbers of workers, mainly from Karee, but also from Eastern and Western, sat down at a general meeting as the evening shift went down.

Various leaders were elected from an audience including, among others, the Karee rock-drillers and some sympathetic miners from Eastern and Western shafts. This leadership decided, albeit with certain reservations, that a tools-down be declared before the next morning shift. Most militant, it appears, were various migrant leaders who upped the ante by demanding wages of over R12,000 per month. Most cautious were the RDOs who, despite their grievances, rank among the best paid workers with the most to lose from extended and unsupported strike action. This was especially the case with the RDOs from Eastern and Western shafts who still held out some possibility for NUM to come forward and avoid a confrontation. Nonetheless, the ground was shifting to more militant territory because the general

body of RDOs who had mixed feelings about the behaviour of their Karee counterparts, had begun to identify with the view that they should be compensated for the lack of support services in the workplace.

On Friday 10 August, six days before the massacre, several hundred miners, preponderantly RDOs, marched to Lonmin management offices whose inhabitants refer post-Marikana to a “noisy” but peaceful demonstration in which “there were no apparent weapons”.

A long wait ensued after which worker demands for increased wages were submitted to low-level Lonmin officials. It was these low-level functionaries who, presumably on advice from senior management, advised the demonstrators to use the “correct” channels to express their grievances, i.e. return to NUM as the officially recognised union. This reflected the rules of the collective bargaining system where NUM remained the official union and the disposition of management to deal with the NUM as an entity to which it was accustomed. In order to pacify the RDOs, management, represented by one or two minor people designated to deal with the protestors, now offered a once-off payment of R750 as a means to circumvent its agreement with NUM and, at one fell swoop, to buy off the protestors. This was rejected by the strikers, many of whom were angered by the dismissive attitude of senior management, none of whom had even bothered to address the protestors.

On the following day, most of the same protesting workers, following management “advice”, proceeded en-masse to the NUM offices in the Wonderkop area near the main mine.

Here the march, still self-contained and peaceful, was met with a short volley of shots from panicking NUM officials terrified by what appeared to be a direct confrontation. In reality, the shots rang out as the march was passing NUM headquarters and were not directed against it. One man among the strikers appears to have been killed (but not according to police records) and several workers were wounded by pistol fire.

Many small rock formations – or koppies – dot the landscape of the bush-

veld complex where platinum is mined. In Marikana, three are of particular significance to the geography of the massacre, notably 'Groot Koppie', grandly labelled by locals "the Mountain", 'Small Koppies', a minor cluster of rocks just behind the Mountain when seen from the perspective of the nearby township shanties, and, in addition, an unnamed formation to the left of the Mountain.

It was to the Mountain that most of the protesters, including leaders from the workers' committee, repaired, even though it would have made far more strategic sense for the crowd to disperse into the informal settlement as a means to avoid the mixture of NUM or police attacks now seen as by most strikers as imminent.

One can only surmise that in the heat of the moment the group running away from the NUM offices instinctively fled to a place where meetings were often held, which occupied some sort of symbolic value in the community and which, not the least, offered a defensive vantage point for people on the rock to observe anyone approaching with aggressive intent. Congregation on these heights was also encouraged by the fact that fleeing workers found Wonderkop Stadium, from which they had departed earlier that morning, was locked and occupied by Lonmin security guards who denied people access to what many saw as a sanctuary.

Part of the work of the Farlam Commission involves diagnosis of the intentions behind the behaviour of the key roleplayers in the massacre and this is extremely difficult to pin down, all the more so with groups of people driven by a variety of changing agendas, passions and interests at the height of a deepening conflict. For example, we will probably never know exactly why the protestors made the gross tactical error of consolidating en-masse on a mountain where they were both isolated and completely exposed to their opponents below when it made far more sense to break up in the face of superior firepower and re-group to fight another day. Possibly this was a gut reaction in a time of crisis; more probably it was bad decision-making by inexperienced protest leaders who had not fully thought through a contingency plan in response to mounting violence.

In any event, in the following days the Mountain became significant in terms of the unfolding pattern of events.

Firstly, the relative isolation of the Mountain was important in building workers resolve and solidarity. It was here they sat in isolation for several nights, singing and planning around fires that were lit against the evening chill. The Mountain also starkly symbolised the divisions between the protesters and their opponents. Henceforward, most interactions involved meetings at the base of the Mountain between the “madodas”, i.e. five leaders periodically appointed by the workers to negotiate with the police clustered in increasingly larger numbers below. Thirdly, and perhaps most importantly, the decision of strikers to occupy the upper ground on the rocks set the lines for battle and ultimately a human tragedy. From here on the crisis could only be resolved if the strikers descended and reneged on their demands, or if the police went up to disperse the workers from the heights.

Neither was likely in the standoff which took place in the few days between the occupation of the Mountain and the eventual massacre. As time went on the strikers became less inclined to surrender their arms and throw themselves at the mercy of those who had already killed their co-workers. Nor, as time passed, were they prepared to engage in discussions with the police or other facilitators as an alternative to their employers at Lonmin. The police, on their side, were reluctant to advance up the steep slopes towards armed men in an action that could result in substantial casualties – notwithstanding growing pressure from higher authorities and Lonmin to enforce the law through decisive action against the strikers. Such was the grim logic of a fast-deteriorating situation.

At this point the Mountain was not yet fully cut off by the police. During the first night some workers who revisited their decision to encamp on the rocks ventured down cautiously to their homes, despite fear of NUM or police retaliation. A finite police cordon was still not in place which enabled them to pass by ominous police vehicles from which there was, as yet, little reaction. Some came back to the Mountain, but others did not. This paralleled an upward movement of women from the shanties seeking out news

about the day's events and bringing food to those from among the hard core that elected to stay on.

Sunday morning the persistent workers return to the NUM offices at Wonderkop. Following the previous day's experience, many now display weapons as they are confronted by Lonmin security guards who have been deployed overnight to guard the local NUM HQ. The building is essentially empty because frightened NUM officials, expecting revenge for their confrontational behaviour on the previous days, have fled the Marikana area. The relatively small contingent of security guards have nonetheless been directed to protect the NUM property and when the workers advance, they open fire from the vehicles.

Several workers are wounded and the enraged crowd surges forward. Two of the Lonmin vehicles are surrounded and set alight by protestors carrying a selection of knobkerries, pangas and jerry-rigged mine instruments converted to weapons of close-quarter destruction. Two of the Lonmin security guards representing the "face" of the mine are butchered by some highly excited migrants among a portion of the crowd who are allegedly – according to Lonmin – on a typical week-end drunk, anarchic, high on adrenalin or simply intimidated to run with the crowd. Authoritative sources confirm that the security guards were mutilated and body parts taken to make "muti" designed to empower the miners in any upcoming protest actions.

Some members of the mining company, it appears, broke ranks at this point and indiscreetly mentioned that Lonmin was able to meet the wage demands and that it had "plenty of money". While this was merely the opinion of a couple of individuals, the message was communicated into the shafts as if it were company policy. In the circumstances it was used as fuel by AMCU to swell its numbers. It was only at this point that AMCU leaders "officially" sanctioned the R12,000 threshold wage demand. Either way, disaffected miners now felt confident that their wage demands would be met.

Karee shaft was, at this point, closed but information reached the strikers that some workers had returned to work in defiance of the worker's commit-

tee. The decision was taken, come Monday morning, to send a delegation to K3 to ensure that no one was still at work. An armed group ready for defensive action met on the koppie that morning and headed to the shaft. They were joined by others en route so that the group grew to over a hundred men by the time it encountered a detail of security guards blocking the road.

As the workers are dispersing into the fields shots ring out and two workers die, both of whom are shot in the back. Meanwhile, elements of the heavy police presence that have arrived to support Lonmin Security advance into the nearby shacks where they find an injured man from the previous day's clashes. He is, according to various witnesses, summarily executed with a shot to the back of the head as a general melee breaks out simultaneously in the settlements and on the open ground between the Koppie and the Karee shaft.

Several workers are injured by rifle fire and a community worker is also killed in what is becoming a direct confrontation between two opposing forces. In circumstances that remain unclear, there is some negotiation between police and workers which then breaks down when the workers refuse to disarm. There are shots from police ranks, the police are attacked and two policemen are hacked to death with pangas. One dies immediately, the other in hospital within a few hours.

Tuesday is relatively quiet as both sides consider their options in an armed standoff with most strikers upon the Koppie and a heavy police contingent in the veld below. There are exchanges throughout the day, but all attempts to negotiate a solution fail when the workers refuse to disarm and the police refuse to leave until they have done so. There appears to have been some contact between police agents and protest leaders between Monday and Wednesday afternoon.

The police, from what we can deduce, expressed their desire to avoid further public violence that could tarnish the image of South Africa if those who had directly participated in the four previous murders turned themselves in before the next public gathering. Lethal weapons were also to be surrendered, but few strikers were prepared to entertain this option while

facing armed police. The AMCU leaders also indicated that it was difficult to identify anyone in particular among the mob that had clustered around victims, including the dead police and security guards, in a state of frenzy. The outcome of further demonstrations would depend on whether the AMCU could restrain its own members to prevent what they believed would be an eventually violent response from the strikers.

We do not know the content of discussions in mine management offices, but it is reasonable to presume that there was considerable anger over the deaths of the security officials, as well as concern over intimidation as assaulted workers drifted into the mine clinic. As ill-luck would have it, the CEO of Lonmin, Ian Farmer, had taken ill and was not available to interact with the diminished executive team on site. Discussions designed to prevent a repeat of the previous weekend's events took place and, it appears at this point that Lonmin either requested more police or they contacted Cyril Ramaphosa, whose Shanduka Company held a forty percent share in Lonmin, to use his influence in government. This was to ensure that the police presence at the mine was sufficiently large and equipped to deal with all conceivable circumstances.

The standoff continues into Wednesday while church leaders, NUM and AMCU officials work fruitlessly among the strikers on the hill and the police. Workers re-iterate that they have nothing to discuss with the authorities and that Lonmin officials must come forward to debate their wage demands. Patience begins to run short on both sides so that by the evening everyone is deeply frustrated with an apparently irresolvable situation. By the evening of August 15th, the day before the fatal massacre, strikers began to deploy in the area between the informal settlement and the Koppie, even as the police determine that the following day the situation needs resolution through decisive action.

Some NUM leaders, informed of police intentions for the following day, attempt one last time to head-off what appears to be an imminent final confrontation but are met with hostility from the strikers. They are threatened by AMCU members and advised to leave the possible site of action. Most ap-

pear either to have left Marikana for fear of their lives that night or, in some cases, went to mine management offices to explore the last possibilities for negotiation. This did not go far because Lonmin managers were still not prepared to deal with the illegal and murderous strikers. They felt confident that the situation could be resolved in some way with a strong police presence.

On Thursday morning 16th August roughly 500 police, along with an elite public order unit, returns to “restore order” in the face of a new gathering consisting not only of miners but also a smattering of roughly 135 community women and youths supporting their friends and partners. The gathering also includes young community activists from the nearby shanty town who now capitalise on the protest to express their anger about the employment of immigrant contractors, as well as lack of training and work opportunities for the youth in the mine area. Women wave knobkerries while senior police establish a Joint Operation Centre (JOC) to manage the situation.

There are at least two pistols stripped from the bodies of dead policemen among a crowd of several thousand. Joseph Mathunjwa, the AMCU leader, confers with North-West deputy police commissioner William Mpebe at the JOC as well as other parties by cellphone. The discussions are inconclusive. Mathunjwa at a later stage addresses the strikers but they do not stand down.

The international Press has been monitoring Marikana for a number of days. As the long day of the 16th drags on many head back on the road to Johannesburg with the mistaken belief that nothing is about to happen. Meanwhile the protestors debate among themselves where to take the stalemate situation. People come and go lethargically across the veld while some strike leaders, including the “man in the green blanket”, Mgcineni Noki, who urges caution among baying migrants exhilarated by the preparatory rituals for those about to engage in faction fighting.

Some of workers go down to assess police intentions, and to indicate, as they have throughout the day, that they will not negotiate with anyone other than Lonmin management. This is pointless because senior police officials have now embedded themselves in armoured vehicles with their hatches

closed. Others, further afield, begin to roll out razor wire with the intention of circling the base of the Mountain but leave a narrow avenue of escape through which the mountain people can flee and then disperse into the nearby shack settlement. Helicopters circle the area and pour down gas and stun grenades into the crowd with the purpose of encouraging it down the Mountain and through the pre-prepared exit.

NUM leadership has been reluctant to come forward (which is, in retrospect, fairly understandable in the light of the killings of the previous days). Lonmin management has also been unenthusiastic to step onto the veld outside mine gates, partially because the labour relations law requires that they deal with a recognised union, partially because of reluctance to dialogue with people who have murdered their staff, but also because of the same fear and horror that has neutralised NUM leaders. While management has

Many more are allegedly flushed out and then executed by marauding police among the small cluster of rocks where they were seeking shelter from the hail of bullets. Some are crushed by police vehicles speeding over the roughly 300 metres from the central site of the killings to the rock cluster.

had experience in dealing with strikes dating back to 2011, no one at this nodal point has the recipe to diffuse what appears to be, at least from management perspective, a violent, anarchic and leaderless mass that has from recent experience been observed to take body parts from their dead opponents.

Some of the workers, however, are moving down to escape the increasingly uncomfortable situation among the rocks. As the police had planned, they move in drips and drabs and then more en-masse to the opening in the wire. Amidst the human drift shots ring out, either because some of the armed protesters have come through the wire and turned round to confront police, or because some of the police had intentions to fire on the protesters once they moved into the veld in any case.

Either way, all hell breaks loose and, much like Sharpeville, the chain of command of the police disintegrates as communication breaks down be-

tween the Joint Operations Command (the JOC) and personnel deployed in the field. Confusion ensues in police ranks at the front-end of the field facing the strikers and hundreds of shots, live ammunition and rubber-bullets are discharged, with some police firing directly into the crowd, others with whom we spoke, shooting above it.

The “intelezi”, a traditional mixture used to assist in meeting demanding circumstances is not meant to produce immunity to bullets, but to reduce stress. Either way it is hopeless in the face of police firepower which includes pistols, rifles and, much like Sharpeville, military issue weaponry designed to ensure quick, efficient and maximum destruction. Many strikers fall dead and wounded in situ. Others are skewered on the wire and then shot. Some are pushed forward by the crowd momentum and find themselves in the front ranks of the demonstrators where they are killed as “leaders”. Some die where they stand or while on the run in all directions. A large group surges round the Mountain to Small Koppies, on the edge of the killing fields.

While some of the police remain immobile following the thunder of fire, others leap into action and follow the group, who they believe to be the strike leaders, heading to Small Koppies. In hot pursuit and according to allegations, they kill more protestors in a mixture of rage, frustration and anger over the death of their colleagues. About a dozen miners are killed where they stand in the veld at the point of contact, including Noki. Many more are allegedly flushed out and then executed by marauding police among the small cluster of rocks where they were seeking shelter from the hail of bullets. Some are crushed by police vehicles speeding over the roughly 300 metres from the central site of the killings to the rock cluster.

Over thirty miners are killed, most shot at close range by heavily armed police among the rocks. Over seventy are injured and some die on admission to the Lonmin clinic where they are ferried by vehicles or police helicopter and then tended to by staff who had been anticipating the worst for hours. Some, according to Lonmin medical staff, bear fresh slashes on their necks consistent with tribal ceremonies for “bolstering” warriors. For days afterwards, a scattering of anonymous bodies are found in the veld, supposedly murdered

by AMCU intimidators or by NUM gangs intent on wreaking revenge under cover of the chaos. No police are killed or injured on 16th August, nor afterwards, in a process extending over almost a week and killing at least 44 people. This violence in turn ignites further strikes and intimidation across the mining industry.

The nature of Marikana will, in all probability, never be known in its exactitude. The Farham Commission was established to deal with “the events at the area commonly known as the Marikana Mine in Rustenburg, North West Province, from Saturday 11th August to 16th August” and this may, or may not vindicate our description of facts based on interviews with key

It is unlikely, given its legalistic nature, that the Farlam Commission of Inquiry will throw very much light on the intricate details needed to effectively root Marikana in the annals of South African political history. This requires at minimum far more ethnographic and sociological penetration into modern mining and migrant culture than a government commission can conceivably muster.

role-players. This is because the “truth” in social explanation, massacres included, depends, quite literally, on where one stands, what one sees, what registers cerebrally and the complex process of cognitive dissonance by which we, readers and miners alike, filter into our minds as incoming information. In the circumstances, as I found after Sharpeville, no commission of inquiry is likely to penetrate the composite of events to its essential core. The dynamics of mas-

sacres, as I found at Sharpeville, depends on where you stand, in every sense of the word – and it is unlikely that Farlam will fully expose the composite of events contained in the word “Marikana”.

Four months after the massacre many of the questions raised by events on August 16th remain unanswered, partially because media reports have tended to focus repeatedly on broader, rather than detailed, issues.

These broader issues inevitably include why the police opened fire, the ten-

sions between the unions, the role of Lonmin in failing to negotiate and the ostensible aggression of the strikers. Very little attention has been given to less obvious but important key questions concerning the formation of the worker committees, the role of its leadership, the inner negotiations between Lonmin and the police as the crisis escalated to dangerous levels, the different agendas of those on the Mountain and many of the other circumstances that combined to culminate in violence a week after the initiation of strike activity.

It is unlikely, as we have inferred, that a legalistic investigation of the sort involved in the Farlam Commission will throw very much light on the intricate details needed to effectively root Marikana in the annals of South African political history. This requires at minimum far more ethnographic and sociological penetration into modern mining and migrant culture than a government commission can conceivably muster. It also requires far more historical retrospect than even we can give at this early point in what is bound to be a longer-term research process than anybody is able to roll-out while memories are fresh and impacts unknown. It is for this reason, which we have alluded to in the opening sentences of the book, that we have not devoted an entire volume to the massacre alone but rather composed a single chapter against the background of a wider social context without which Marikana cannot be understood.

Rather, we believe that the key to the massacre lies in the fact that all key roleplayers were out of their depth and lacked the knowledge and skills necessary to deal with such a complex and unique situation.

Having said all this, and without intent to prejudge Farlam or the research that will inevitably follow, we believe that the key to the Marikana tragedy lies not in a state conspiracy to teach recalcitrant miners a lesson, not in inter-union competition, the callousness of Lonmin, nor the failure of public order policing procedures – all of which have been referred to in the explanatory industry that has grown round this single event. Rather, we believe that the key to the massacre lies in the fact that all key roleplayers were out of their depth and lacked the knowledge and skills necessary to deal with such a complex and unique situation.

Interviews conducted at Lonmin, for example, clearly reveal the difficulty that its decision-makers encountered in managing a situation beyond the boundaries of the collective bargaining system set in place since apartheid in dealing with industrial disputes. This system presumes that all sides are rational, well-meaning and willing to come to a zero-sum resolution of conflicts. It also presumes that there are institutions on the side of management and labour that are willing and able to speak for their constituents in securing a best bargain. It makes no allowance for unsupported strike action where there is no coherency, no union. It certainly fades into redundancy when both parties are willing to condone violence (as were the strikers) and where stakeholders are unable to respond effectively to violence (as was Lonmin).

For all key roleplayers, including the unions, the police and the strikers, the events that unfolded took everyone by surprise and quickly spiralled out of control.

Interviews with NUM leaders who were on the scene, clearly show how they were utterly overwhelmed by the deadly logic of events. Long accustomed to taking the lead in industrial disputes, NUM lacked the ability to manage a situation in which their leadership was either denied or rejected. The official union not only lacked the credibility to interpose itself between the contestants. It also lacked experience and understanding needed to chart a way forward in a violent situation following on decades of often near-automatic worker compliance with the established system of industrial relations.. Much the same applied to AMCU in reverse. Its problem was not that it lacked support but rather than it lacked organisational resources to impose its plan on the situation it had partially ignited. This, in the event, spiralled out of control so that when AMCU intervened to urge caution, it was incapable of imposing its will on the strikers.

The police, we believe, were driven to act decisively in a situation that had been stalemated for a number of days. The men on the Mountain typified a defiance of the law that was intolerable and, in the background, Lonmin turned the screws in demanding action in response to lawlessness. Ultimately the police were faced with the prospect of storming the Mountain or forc-

ing its occupants into the veld. This was the intention behind the razor wire cordon with its gap that allowed people to flee back into the nearby shanty town. Why the police fired into this gap and then launched a massive military-like assault on top of its initial plan indicates, in our opinion, at least a partial breakdown in the communications governing the chain of command

Finally there are the strikers themselves. Given the fact that they have been comfortably written off as a primitive semi-crazed collective in the mainstream media, we know little other than the outline of their intentions, motives, internal dynamics and shifting responses to the situation that rolled over and changed during the course of a tension-filled seven days. To assume that the “workers” acted as one in a confrontation with mining capital is, we believe, a simplistic explanation. In all probability it appears that the workers, as everyone else, were driven reluctantly into a situation where violence became the only option.

None of this is satisfactory in diagnosing a situation of such dire consequence for people, institutions and a country whose democratic fabric appears to be in a state of subtle disintegration. It is to this wider panorama that we now turn. This requires a more detailed discussion about the men on the Mountain who seized the high ground. In particular we need to look at experiences in the workplace to understand what sometimes comes to surface.

CHAPTER TWO

Working

“The mines are one of the nodes of oppression and racism in the South African economy and it will be extremely difficult to restructure them, even once the official policy of Apartheid has been abandoned”- Kgalema Motlanthe (Acting Secretary General of NUM, 1993 and now Deputy President of South Africa –

Quoted in Donald Donham – Violence at a Time of Liberation: Murder and Ethnicity at a South African Gold Mine, 1994 (Durham/London: Duke University Press).

The Marikanas of the world – Oradour sur Glane, Amritsar or Katyn are historic moments of similar ilk - all involve complex layers of explanation, not all of which are evident in the immediate aftermath of a collective killing situation.(1)

Having said this, the behaviour of the key roleplayers, particularly the Marikana miners and the mine owners, is unintelligible apart from a bottom-line understanding of working life in the mines. This speaks to not only wages and inter-union competition, but to the very basis of what occurs in

South Africa mines, twenty years after onset of democratic transformation. This includes leadership in mining organisations, social relations organised around extraction of minerals, underground risk-taking that often defies rational thought, conditions of work in a hazardous environment and, most fundamentally, the value of life in a business that stills ranks high amongst the most dangerous occupations in the world.

Lonmin, as is typical of the big corporates in South Africa, lists as its core values ‘integrity, honesty and truth, transparency, mutual respect, high performance and employee self-worth.’⁽²⁾ The company sees itself as successful when shareholders receive a superior return on investments and when communities with which the mine works value “our relationship”. The Mission Statement, which defines the goals still to be reached, underlines an expanded portfolio, adherence to the Mining Charter, broad-based socio-economic transformation and the development of a value-based culture based on continuous improvement, common standards, community involvement and appropriate rewards for employers for high performance.

...South African mines, remain the most dangerous in the world when measured against the risks of mining in other industrialised economies to which South African mining is normally compared.

Very little has been said about Lonmin as a mining organisation in the post-Marikana press. No reference has been made, for example, to the fact that the company has experienced 13 largely unpublicised deaths since 2005 when a single death in the Australian or Canadian mining industry would be a cause for national concern. Although its LTIFR rate (lost-time and often serious injuries per million hours worked) has declined from a stupendous 18.1 to 4.71 in 2011, this rate is still more than four times higher than most modern mines where the LTIFR is frequently less than 1.⁽³⁾

The death rate in the South African mining industry has declined in recent years, including at Lonmin where no-one has been killed in an industrial accident at Marikana since 16/08.⁽⁴⁾ Yet here, as elsewhere in the industry, neither “fatals” nor especially lost-time injuries have been falling

rapidly in line with the expectation that South African mining will be in the “zero-harm” zone in alignment with international standards this year. By the beginning of 2013, as we write, lost-time injuries in both mining and high-risk heavy industry have in fact reached what appears to be an inelastic plateau to the consternation of both mining and industrial leaders.

In the last analysis South African mines remain the most dangerous in the world when measured against the risks of mining in other industrialised economies to which South African mining is normally compared.

In the grander scale of things, the few deaths at Marikana are inconsequential when seen against the background of the tens of thousands of people who have died from accidents and industrial disturbances in South African mining since its inception. South Africa, as most analysts note,

Marikana miners, much like their co-workers throughout the industry are obliged to work in atrocious conditions where the risk to human life far exceeds rewards.

has the highest mortality and injury rate of any advanced mining economy across the globe. There are many reasons for this dismal failure. Suffice to say at this point that a great part of the inability of South African mines to live up to international expectations concerning safety has to do with the behaviour of people at all levels,

from management down to the humblest general worker - people whose work conditions and mindsets cannot be engineered away by systems, rules or advanced technologies. Behind every machine, after every rule, lies human agency.

Miners, including those angry and frustrated people on the veld mowed down by police bullets of August 16th, do not always successfully articulate, their grievances about the workplace. This has to do with many factors including the huge social gap between the universe of the worker and that of mine management; poor upward communication through layers of bureaucracy between the worker, team leaders, supervisors, shift bosses and section chiefs; the failure of most mine leaders to engage with workers and interrogate the dynamics of the workplace; the constraints on middle level miners

and supervisors prohibiting them from absorbing anything under the whip of production; lack of people skills throughout mining organisations; inadequate mechanisms for shop-stewards to project the views of their constituents; opaque cultures of distrust and non-accountability; the existence of a massive labour reservoir to which critics can summarily be returned; and compliant unions and inter-union struggles.

Marikana miners, much like their co-workers throughout the industry are obliged to work in atrocious conditions where the risk to human life far exceeds rewards. Most operators who work the mines labour in spite of the conditions in the underground workplace circumvent the safety rules often because they are compelled to do so. Marikana is not especially different from hundreds of other sites across the country where logistics to ensure both safety and better production are ill-planned and, in worst-case circumstances, virtually non-existent.

Miners at Karee and the adjoining shafts talk of working in unsupported places where the wood or steel beams required to hold up dangerous overhangs and roofs are absent or limited in relation to safety regulations which lay down a certain proportion for every few metres. Many rockfalls that kill or injure occur while miners are waiting for roof supports, but continue working anyway in order to meet physically impossible production targets. Marikana workers say they are often obliged to exceed the official eight-hour shift in order to make up shortfalls and then emerge physically and psychologically exhausted from twelve-hour stints underground. Some work deep underground in the absence of ventilation, dashing in-and-out of stopes at 20-minute intervals before they are overcome with heat, smoke and dust.

Many RDOs, exhausted after four or five hours on heavy drilling equipment, simply hand over to anyone else in the vicinity: these are usually general workers who are showed in a matter of minutes how to use profoundly dangerous equipment. The unassisted RDOs in Karee are often forced to multi-task while their dangerous drills are left drilling. The majority of workers wear neither PPE helmets – which are uncomfortable – nor overalls, which have to be kept clean according to mine regulations. Since these are

impregnated with dust, grease and other forms of filth found underground many miners prefer to strip and work virtually naked once in the shafts.

Non-compliance with safety rules is inevitably widespread in these circumstances, at Marikana and elsewhere. Dangerous behaviour is in fact encouraged by production bonuses which drive individual people, teams and their immediate supervisors to exceed sometimes impossible targets and drive the rockface even further. The constitutional right of a worker to refuse to enter dangerous underground places is seldom, if ever, exercised in practice, because the bonus is applied to the team and its supervisor. This means that refusal to work by a single miner bounces back on the whole team. Peer pressure to conform to life threatening behaviour in these circumstances is enormous. At Marikana, moreover, the production bonus often filters out from the supervisor to others upwards in the line of operations – the shift bosses, the section chiefs and even mine captains, leaving the scraps to the workers who are the ones who risk their lives in the workplace.

South Africa, curiously enough, has some of the most progressive mine safety legislation in the world. This includes the Mine Health and Safety Act which theoretically represents a major step forward in the development of human rights in the industry, as well as a host of laws governing the technical aspects of mining, including the control of explosives, water, reporting on mine health, representation of workers, etc.⁽⁵⁾ Unfortunately, for a number of reasons, including bureaucratic incapacity to enforce the laws, the power of mines to do what they like, and an almost intangible cavalier and hyper-machismo attitude among miners, much of this legislation goes unenforced. The National Audit on Mine and Health Safety commissioned by President Thabo Mbeki in 2008/09 indicated that almost 60 percent of mines do not comply with the legal regime.⁽⁶⁾

This culture of impunity is in turn projected into mining operations where poor reporting systems and the difficulty of enforcing laws in vast underground passages, supervisor connivance and worker incentives to produce at any risk level erode law execution. Rather than examine the roots of these behaviours, mines and the law-makers simply write more rules to

cover violations retroactively. This complicates the rules even more from the perspective of a sector of the economy with the lowest levels of literacy and skills. Ultimately, many mines have been obliged to adopt a no-name-no-blame system of underground espionage in dealing with the mounting violations of safety rules in the workplace.

Lonmin at Marikana mines PMG, i.e. (minerals in the platinum metals groups, mainly platinum by also palladium and rhodium). Platinum is used mainly for catalytic converters on automobiles and its growth for this purpose has been assisted over the years by increasingly tighter legislation to govern pollution caused by motor vehicles in the industrialised countries of the world. Rhodium and palladium are mainly used in computers and other digital technologies.

The conditions under which these are produced vary, both geologically and sociologically. Both platinum and gold involve drilling hard rock in increasingly deeper mines, as opposed to coal mining which involves soft rock at relatively shallow depths which are most receptive to mechanised mining. While all kinds of technologies are used in hard rock mines such as Marikana, Impala Platinum, Anglo-American mines and others that dot (others would say smudge) the North-West province landscape, sheer human muscle moving rock and then transporting ore to the surface for smelting is still central to platinum and gold operations. This means huge numbers of people performing basic acts in hazardous conditions with inevitable deaths and injuries.

Mining involves the management of both technical and human risk, although for a number of reasons we will explore later, technical risks tend to be treated with disproportionate amounts of energy, money and organisational activism than risks that involve people and human lives. At least half to three-quarters of platinum miners work underground at the average operation, while over eighty of their co-workers in the gold sector labour in some of the world's deepest mines which strain technology to its limits. At the best of times sub-surface work is hot, cramped and dangerous. This has enormous negative impacts on people in the workplace, many of whom are dehumanised into expendable labour who, as we have noted, "mine-to-risk".

This means in less polite terms that it actually becomes acceptable for certain numbers of people to be killed or injured in proportion to ore extracted.

Notwithstanding some progressive moves to balance safety with production in certain mines, production – reaching targets by means fair or foul – remains the dominant value. Accidents and injuries always happen when people are encouraged by organisational condonation of risk-taking throughout the South African industry, and can be caused by an infinite number of factors both in the sub-surface environment, as well as in many enormous open-caste operations that are generally safer but still dangerous. At all mines the upper, hanging or sidewalls can easily collapse if not carefully monitored and the barriers erected against proverbial FOGS (or falls of ground), e.g. early warning seismic systems to detect rock dislodgement, are often ineffective. Seismic movement leading to gravity-driven falls of rock account for over half the accidents in all mining sectors, especially where the “daily blast” demanded in most mines shakes what is often a geologically unstable environment.

Miners are also killed or injured by mudslides encountered when workers advance “the face” under pressure from team leaders and front-line supervisors. Rock bursts, rolling rocks prised loose by blasting, water rushes, falls from heights because of the absence of handrails in most development stopes, death by electricity, fire, fumes, radiation and increasingly horizontal transportation are also part of the normal deal for miners. This includes most of the general miners at Marikana who allege going straight into the arrival bus into the shafts without any serious training or orientation whatsoever.

Along the Merensky reef, the source of most platinum in SA, there are often huge and unpredictable potholes where the reef transgresses the foot-wall boundary. Miners disappearing into these are normally classified under the large number of “general” injuries in the industry, some of which are frankly bizarre, but most of which fail to explain the specifics. One of the most feared events among Marikana miners, as well as those at nearby Impala Plats, is being killed by approaching underground locomotives that rush blindly around corners of poorly lit tunnels forcing workers to cling to

narrow rock walls in order to survive.

One of the reasons that miners refuse to wear regulation earplugs against the incessant noise of underground drilling and explosions is because doing so also precludes hearing oncoming trains and other heavy vehicles. Drivers often kill themselves by throwing themselves out of speeding trains facing an imminent accident, so much so that some companies, like AngloGold Ashanti, have installed inter-locking doors to prevent drivers jumping out of guard cars. Others are killed, even on-surface, because of driver negligence with massive earth-hauling vehicles or other heavy machinery, such as winches and scrapers, often at the end of long shifts when exhausted miners have removed their personal protective equipment (PPE).

Wearing protective equipment in the form of helmets, heavy boots, special overalls, lights and breathing equipment would seem a basic bottom-line essential. Yet as alluded to earlier, many miners choose not to make use of these obvious “barriers” to injury and disablement. At Lonmin there are rules or conventions (their nature is unclear) in terms of which workers are expected to wear clean white (!) uniforms at all times. Since this is impossible in dark and fetid workplaces, most workers simply take off just about everything, sometimes including hard hats that are hot, heavy and generally uncomfortable. Many team leaders, here and elsewhere, couldn’t care less about these hazardous deviations from the safety rules because the only core value is to blast to (or beyond) production target. This technically guarantees a production bonus that substantially inflates the low monthly wage.

Accidents, or “incidents” as the industry prefers to call them, can also occur at places like the smelter, which towers over the road between Marikana and Wonderkop, because the refining of PGMs takes place in an aggressive chemical environment where workers are exposed to platinum salts. (People who smoke are apparently more vulnerable to allergies arising from this source). Smelter accidents are also not uncommon: six African Rainbow Minerals workers were killed when a manganese processing furnace exploded at its Cato Ridge operation in KZN-Natal in February 2008.

Deaths, but not injuries, including reasonably severe injuries, are virtually impossible to hide. The statistics on the latter are based on what is reported even though it is widely known that most mines lack effective communication both upwards and sideways. Since most miners know that an injury to one means loss of a production bonus to all in work team, an unknown proportion do not report all but the most obvious injuries to their supervisors. Many seek remedy not from mine hospitals but from their co-workers, people who work for a fee as unlicensed “paramedics” in the hostels, from other supposed “doctors” in the wider community, or even tribal sangomas who offer a variety of traditional cures, again at a price.

Some mines on the western limb, which includes Marikana, are notorious for manipulating cause of death: mortalities caused by unsafe conditions are conveniently written-off as casualties associated with anything else, including HIV-AIDS. Miners who are seriously injured and then die of their injuries, often weeks later in hospitals, are known to have been reported as having expired from pneumonia.

Approximately 130 miners were killed in 2011 and this is only one or two less than 2010. The gold and platinum sectors make up over eighty percent of injuries, with coal coming in at third place. Chromium mining, of which very little is said in the safety dialogue, also has approximately 50 lost-time injuries per annum. Over half the victims throughout the industry are older miners, i.e. over 40, whose physical vigour is being sapped and whose experience allows them to take greater degrees of risk. Almost every fatality involves a black South African, typically drillers, winch operators and other workers both socially and geographically at the bottom of the mine. And the number of injured and dead are increasingly contractors, as might be expected now that many mines are moving away from permanent workforces as a cost constraining measure. Despite “runs” of a million injury free hours in some mines, the bottom line is that SA continues to silently kill a miner every third day.

This saps morale in every mine where workers see their colleagues crushed or otherwise mutilated and induces a culture of fatalism which

makes it difficult to motivate participation in safety programmes designed by mine management. At Marikana very few miners believe they will emerge unscathed from the shafts over an extended period and this fatalism, as in many other mines, actually has the negative impact of diminishing appetites for safety education.

Relative to ten years ago when huge numbers of miners were killed, both fatalities and injuries have gone down quite dramatically at many mines, including Lonmin, partially through the introduction of new technologies and more extensive safety programmes among the workforce. But the pace is far too slow for miners at risk and for international investors who had hoped that by 2013 the South African mines would have their house in order. As pointed out earlier in this chapter, there is also evidence that the decline in injuries in the extractive industries is panning out into a plateau, especially when it comes to lost-time injuries, so that we are now reaching a point, far from zero, which may represent the best we can get. Safety cannot in the end be engineered-in without efforts to change human behaviour – which theoretically makes up the gap between where we are now and where we should be.

Most mine managers recognise that better safety means better production and that business excellence means doing more for human beings in the mines, especially the huge number of labourers who make up the majority at the bottom levels of the organisational pyramid. Unfortunately, most managers are suspicious of these “soft” issues with which they are unfamiliar because of their own technical training and not the least because changing human behaviour attitudes and mind-sets is a complex business that detracts from the finite time to be invested in the core-business, which is production.

Previous expensive and time-consuming attempts to introduce BBS (behaviour-based safety) have also produced very little change, largely because of the hopeless attempt by the industry to transplant models and programmes from other advanced mining countries into very different indigenously South African conditions.

These conditions are, as we have indicated, themselves diverse – geologi-

cally, sociologically, and in how mines do extractive business. While the core business of all mining companies is to extrude, move, process and sell precious lumps of rock, there is so much variation, even among shafts in a single mine, that there cannot be a single one-size-fits-all prescription for improved workplace conditions, safety, quality and size of production.

Newer, steady-state mines kept on the roster of the big companies are better designed and equipped with leading-edge technologies than their counterparts, much of whose machinery and people are relatively run down. As we have found in earlier research, these greenfield operations also have a

Very little is still done to test the psychological strength of workers bound for work in hot, dirty and claustrophobic conditions in the stopes, despite evidence of considerable neurosis, post-traumatic stress disorder and psychotic conditions over and beyond that found in most occupations.

more receptive culture toward innovation, including human relations and some concepts of safety aligned with international standards. Management, supervisors and even operators at these sites are far better motivated and able to manage risk, including human risk. This is especially the case when extraction involves participation of commercial project management from outside the mining sector.

It is important to emphasise that there have been major changes in the life conditions of operators, particularly when measured

against the baseline of the late apartheid years when these masses of people working at the face of the mines were considered little more than expendable labour units. Whether this is sustainable is a moot point when one reads the Annual Reports of the major mining companies over the last decade. The introduction of new safety blueprints by AngloGold Ashanti early in the last decade halved fatal injuries around 2007-2008, but there were still 11 deaths around this period that the unions believe were avoidable with better care and commitment (AngloGold took until mid-2008 to have its first fatality-free quarter, the first in history). During the same year, 39 of 43 deaths at Goldfields operations worldwide took place in South Africa: serious injury rates measured 3.22 in South Africa, compared to a minimal 0.94

in Australia and even 0.88 in Ghana.

Most operators live far better than they did previously in hostels and compounds throughout mining history. Harsh physical discipline reflecting the racialism of pre-1994 has also given way to more subtle forms of control. This reflects the impact of NUM (who formed their own safety department in the mid-eighties), new legislation governing the workplace (most notably, the MHSA that recognised the human rights of the labour force), political change in the extra-mining environment, increased exposure of the inner workings of South African mining to international scrutiny since 1994 and, last but not least, the relatively late recognition by the industry that higher levels of production can be eked from better trained, better paid, and a generally more satisfied workforce.

The quality of medical examinations on entry is, in many respects, far better than in the dehumanising strip-and-prod processes of former years, but all potential workers at the rock face, (virtually all of whom are black) are still subject to the rigours of “acclimatisation” chambers that seek to replicate conditions in the workplace. This means being locked in sauna-like rooms, usually without food or water for many hours on end during which heart rates and other physiological indicators are periodically measured. (A more humane version of this exists at Lonmin but aspirant workers have still to climb apparati and squeeze through a variety of hoops in proving their metal). For many young miners with equivocal commitments to their new career, this is often an end-point despite the prospect of joblessness outside the mining economy. This is especially true of women coming into an industry whose first taste is sometimes a regime of exercise in a hot box that leaves them drained and ill for hours.

Very little is still done to test the psychological strength of workers bound for work in hot, dirty and claustrophobic conditions in the stopes, despite evidence of considerable neurosis, post-traumatic stress disorder and psychotic conditions over and beyond that found in most occupations.⁽⁷⁾ (This is especially salient for miners who have been injured, witnessed death or who otherwise have had direct contact with horrific accidents).⁽⁸⁾ Other

than basic tests for manual capability and eye-hand coordination, virtually nothing is done to evaluate stress, social and behavioural competencies essential to close-contact high-risk work in the teams to which young men are ultimately assigned. Since many of these workers are in mining less by choice than because of high unemployment in the country, this lack of attention to human qualities at outset, and then on-the-job, leaves many possibilities for inter-personal conflict rubbed raw by the harsh living conditions of mine existence at a later stage.

Despite technological and political change, mining at the rock face remains a brutal activity in often extremely testing conditions, especially in the development stopes. Operators remain the targets of discrimination on racial and class grounds that transcends regime change and relative increases in what still remain painfully low salaries. While NUM has managed to secure many worker benefits through collective bargaining, it is far from coincidental that black operators bear the brunt of injuries and fatalities in a system that claims to be more representative and safe for its participants. Although this is actuarially proportionate to the overall make-up of mine workers, the fact is that risk is disproportionately shared between underground workers and those in a more congenially terrestrial environment.

Nothing is actually as it is supposed to be in the real time of daily mining. (This is one of the key points of the following chapter) Leadership in the sense of effectively working towards organisational values is often lacking. Although there are droves of senior and middle managers who speak with political correctness about safe production, many do so only rhetorically - especially when faced by production targets or shut-downs periodically ordered by the DMR under Section 54 of the MSHA Act governing health and safety. Even under normal circumstances when targets are aligned with schedules, the emphasis is on advancing the face at almost any cost, including injuries and accidents.

Cocooned mine management is normally the last to know what occurs in the shafts even though there are moves afoot in some circles to make managers criminally liable for avoidable accidents happening in the line of

operations. Down this line, certainly in the bigger operations, senior management are shielded, or isolated, by layers of bureaucracy which means that messages going down to the rock face either never reach their destination or do so imperfectly. Upwards communication from teams is gate-kept by supervisors, shift bosses and shaft authorities who, like low and mid-level bureaucrats world-wide mainly inform superiors about what they would like to hear about events at grassroots – in this case, at rock-bottom. Messaging can also technically go through the shop-steward committees of NUM or some of the smaller unions but, as Marikana and other western limb platinum mines now show clearly, NUM can become the tool of management or a labour aristocracy that no longer represents the views of its constituents.

At Marikana this is precisely what happened in Karee and to a lesser extent in its other two working shafts with the consequence that workers bypassed the normal procedures and went directly to management with their demands for better support and pay two days before August 16th.

Management deigned speaking to this delegation for fear of being accused of circumventing NUM, but then, as we have noted, sent the workers back to NUM, the very people who were being criticised by the protesters.

“Visible Felt Leadership (VFL) has been attempted in the more progressive mines but has failed in most cases because management lacks the familiarity and verbal skills to interchange with people far down the ranks and because the latter are intimidated by the unusual efforts of management to make dialogue”.

No one at Marikana, including workers who have been at the mine for a decade or more, has ever seen a senior manager other than underground managers in their place of work. This indicates the enormous gap between the workers in the shafts, the supervisors and management. Over the years this has led to a situation where even when the managers attempt engagement with the workers, as is normally done in other parts of the mining world, this worsens rather than betters the situation. An example is Visible Felt Leadership (VFL) which has been attempted in the more progressive mines but has failed in most cases because management lacks the familiarity

and verbal skills to interchange with people far down the ranks and because the latter are intimidated by the unusual efforts of management to make dialogue. This, among other attempts to flatten management style in the interests of greater worker participation thus becomes a dialogue of the deaf even when both parties would like better communication.

...most of the mining force also lacks the critical literacy and numeric skills for workforce communication (and further skills development).

Almost a quarter of miners have no formal education and 80 percent below grade 12, according to the MQA (the Mine Qualifications Authority).

Communications in mines is taken far less seriously than it should be in effectively managing diversity which, much like human behaviour, is largely seen as a “soft” issue in a hard environment of extracting rocks. Much like human resources, which is inevitably staffed with black South Africans on the misguided assumption that they “know” the African climate, the communications function is often

farmed off to women who have come through abstract university courses or have been elevated up from administrative ranks and then upgraded because of their ostensible ability to “relate” to people.

Some mines (and industrial organisations) do not have anyone performing internal communications other than a senior administrator whose concept of the work is to publish a mine newsletter or pin notices and schedules to a strategically placed blackboard outside the manager’s office. There are exceptions but, in the end, there are very few highly specialised communications personnel on mine property who are dedicated to management of dialogue between the welter of race and class differences shaping attitudes and behaviour that intrudes into mining in the first generation after apartheid.

Communication failure is evident in many mines both horizontally and down along the chain of command to the workplace. On the horizontal plane there are a variety of key performance functions that go awry at the cost of both safety and production because of misalignment between the line of operations and supportive departments such as safety, training or logistics. The

result is people doing the right thing badly, the wrong thing, or performing no discernable role requirement at all.

Standards of education in South Africa are also on average several years behind those of the developed and even developing mining countries, with the consequence that most of the mining force also lacks the critical literacy and numeric skills for workforce communication (and further skills development). Almost a quarter of miners have no formal education (and 80 percent below grade 12), according to the MQA (the Mine Qualifications Authority mandated to function in the development of mining skills by the 1998 Skills Development Act.

Given the difficulties of both written and oral communication for safety (and production), mines are, as mentioned above, largely reliant on fanagalo, the hybrid language of African, Afrikaans and English phrases, that has governed workplace language from time immemorial, but is, in the end totally inadequate to convey many of the key concepts required for learning about modern safety. Attempts are now being made to replace fanagalo with English, by linking promotion into team leadership with language skills along with other educational qualifications, as well as through ABET training. Unfortunately, the impact of ABET is limited by the logistical difficulties involved in getting miners to participate in classroom sessions after long periods of shift work and, perhaps more importantly, by the enormous numbers of illiterate or partially illiterate workers still entering the industry.

At the bottom-line communication depends on the willingness of people to message each other even should this require energy to transcend cultural and linguistic boundaries. Unfortunately this is rendered very difficult in the profoundly conservative and hierarchical environment of virtually all South African mining organisations. While the more evident racial cleavages have been politely re-packaged as divisions between “management” and “labour”, most mines remain organised along both race and class lines that are relatively redundant when held up against the changes that have taken place over the last fifteen years in the wider political environment. While there are indications of less racial rigidity than in the past, (particularly at supervisor

level) management, as we have inferred, remains overwhelmingly white at the upper end of the organisational pole. It is also rare to come across any “non-blacks” in the ranks of operators.

Divisions along these lines form the basis of what the Chamber and the mining houses have termed “problems of organisational culture” in South African mines. This is not simply a mindset, as is inferred by many programmes to induce change, but is inter-dependent with structural conditions

...efforts to improve safety in most mines tends towards largely tactical, “spray-and-pray” affairs which diminish the critical role of human factors, and above all seek to change organisations without compromising production. In the last analysis this constrains safety and detracts from long-term business excellence.

among which discrepancies in pay, race stratification and workplace circumstances are only some of the physical drivers. This accounts for huge distrust at all levels in many mines, lack of accountability, lack of care and generally far less value placed on human life than on meeting production targets. In consequence efforts to im-

prove safety in most mines tends towards largely tactical, “spray-and-pray” affairs which diminish the critical role of human factors, and above all seek to change organisations without compromising production. In the last analysis this constrains safety and detracts from long-term business excellence.

The failure to take human beings seriously has major consequences at every level and is either directly or indirectly a major reason for sub-optimal business performance in most South African mines. It also shapes the culture or collective mentalities to be found in all mining organisations where the norm is distrust, non-accountability, dishonesty and lack of care all round. While there are multiple variations in cultures that may occur from mine to mine, shaft to shaft and even shift to shift, the norm in most mines is a passive-aggressive culture where superiors are obeyed and subordinates are punished.

This exists at all levels but is especially marked in management ranks. Even today the mine manager enjoys imperial authority and obeisance from

immediate subordinates in a manner similar to military organisations similarly structured along hierarchical lines. This runs down the ranks so that it is difficult for anyone to criticise anyone above. This stifles initiative in a way that has long since been recognised in most modern militaries. And, as in militaries, it fuels distrust and antagonisms behind the formal appearance of people marching in step.

Most studies show, while there is an observable *bonhomie* born of interdependence in the workplace, social interaction breaks down along apartheid-like racial lines the moment miners reach the surface. Most workers have never had the experience of actually speaking to anyone other than demanding front-line supervisors and, in many cases, no longer care to do so. To make matters worse, management teams in some mines who support company policies of “consultation” and even “engagement”, often openly admit to distrusting the *bona fides* of workers. The latter in turn see management, with a few individual exceptions of people who have internalised some element of post-apartheid norms, as uncaring, equally dishonest and basically unaccountable.

Attempts to re-engineer this highly fragmented culture and, in particular, to build new “cultures of safety” in the lower echelons of mining organisations, have progressively moved to the centre of the industry’s efforts to create a safer working environment.

This is explicit in a number of contemporary programmes, for example, in the Anglo-American stable where a new mining culture of some sort is envisioned as a result of heightened engagement within the workforce, the development of enhanced behavioural competencies on the part of supervisory personnel, more effective leadership (as opposed to management) and greater participation by labour in addressing organisational problems. Anglo Platinum, in particular, implemented a three-year Enhanced Safety Improvement Programme with mining culture implications over three years ago which reflects these values and builds upon the older Golden Rules governing safety performance.⁽⁹⁾

Most research – including that undertaken by the Chamber of Mines itself – detects evidence of low levels of trust between operators and supervisors, among supervisors, between supervisors and management as well as within management itself.⁽¹⁰⁾ Despite many examples cross-country the situation is manageable if the industry is committed to change the material conditions that germinate these antagonistic feelings. This involves, at least in part, not only technical training of workers and front-line supervisors, but occupational education that enables personnel at all levels (including management) to better appreciate the social challenges of what they do as individuals, how their performance fits together in entrenching organisational values and provides, ultimately, an all-round improved understanding of human relations. This is in line with the universal experience of extraction and other industries which shows that workforces are generally more satisfied when they fully understand the workplace and are cognitively well-equipped to face operational requirements.

Much of the dread, uncertainty and confusion resulting from the many accidents in South African mines, as well as the hostility towards management and (less so) supervisors, has to do with the fact that workers, especially migrating contractors, feel neglected, untrained and unsafe during working hours (and sometimes off the job in teeming hostels and shanty-like conditions). This reflects the fact that quality of training in most mines runs the gamut from reasonably poor to atrocious, partially because the trainers are people displaced from the line of operations for reasons of age or incompetence, partially because many miners themselves lack the basic education and conceptual ability to easily absorb new skills and partially because mine managers are eager to dispense with training and get new miners down the shafts to meet production targets.

There are in fact many cases, not solely confined to new “fly-by-night” BEE companies with short mine lives, where illiterate workers are sent into the stopes with no training at all. By the same token, in places like Marikana and other North-Western platinum mines, it is utterly ludicrous to believe that workers come through mine gates with the focus on safe production when their point of origin is places like crime-ridden shanty towns where

responsible behaviour is discouraged. Mines who presume that they can optimise safety and production without improving conditions of near-mine habitats or labour-providing areas are living a pipe-dream. If nothing else, these profoundly under-developed communities generate a whole range of personal and collective pathologies which cannot simply be trained-out in the orderly environment within the mine.

Cost containment, as we have emphasised, also leads many mines to make use of considerable amounts of cheap contracted labour whose origins and skills are largely unknown and whose recruitment into mining is left to brokers who deliver on demand. (We shall explore this at length in the next chapter). As we have already mentioned, cost containment also means getting so-called “novices” into production as soon as possible so that “training” is often little more than a short induction course to new workers with varying capability to understand a presentation because of low levels of education and literacy. Having gone through many mine induction courses myself, most of these involve a basic geographic orientation, some safety suggestions and heavy emphasis on the need to produce at all costs if one wants to remain employed.

Either way, in many mines young and sometimes middle-age men can find themselves in a totally unfamiliar and frequently terrifying underground workplace within hours of arrival at mine gates. While some miners are teamed thereafter with more experienced co-workers, or directed by supervisors, this normally amounts to little practical assistance because the latter are entirely focused on production and have little time or inclination to take disoriented miners under their wing. Post-Marikana, a large number of underground miners at Lonmin have been additionally traumatised by the blasting that sounds ominously like police firepower.

This should not diminish the fact that in some respects the quality of training has improved since the recommendations of the Leon Commission which set out the parameters for technical training shortly after the advent of democracy. This led to the eventual establishment of the Mining Qualifications Authority (MQA) which has, in some respects altered the rough-and-

ready way in which mining was conducted in the past. Advanced technology is playing an important role in training: at the new Gold Fields “super mine” at South Deep, for example, operators are now being trained on Atlas Copco and Toro 007 simulators in conjunction with classroom and practical training. This can be used to monitor responses to faults and emergencies in the process of accelerated preparation of operators for safe and productive underground work that places neither humans nor expensive machinery at risk.

Substantial problems nevertheless remain in terms of improving the life-skills and quality of people in the average South African mining workplace.

Firstly, there has been no central authority to enforce standards for work methods and safety since the end of a central system a few years ago, so

...marijuana and other types of narcotics concoctions along with lavish amounts of cheap alcohol are prolifically consumed just to get to the job. Even more is used on the job as long shifts take their toll on physical and emotional strength that wears down even the best trained workers.

that the quality and extent of training is left to be determined by each mine, (mining group), or more especially, by mine management who generally aim at getting workers into production as soon as possible. This is, as we have noted, a serious

problem, especially in places like the platinum sector around Marikana where people with few skills are intruded into the workplace to make up production shortfalls brought about by Section 54 closures, accidents and, not to put too fine a point on it, surface massacres.

We have already alluded to the fact that the quality of trainers in most mines is fairly poor. An in-depth analysis we conducted at one of world’s largest platinum mines shows training staff are drawn largely from non-performers in the line of operation, the losers in the intra-organisational battles between line and service departments, and older personnel deployed from line with a view to retirement – who are quick to deploy trainees to through-put labour into the shafts in accord with management commands around productivity. There is widespread evidence of corruption in the certification

of training redolent of wider society beyond mining. Project managers in some of the biggest private sector companies such as TWP or Shaft Sinkers have certainly become more sceptical of the certificates produced by contractors seeking employment. This suggests that many new operators receive far more rudimentary training than what appears on their papers.

In many mines the work of training departments is compromised by the high levels of illiteracy and innumeracy of workers. This makes training so difficult that miners actually receive economic versions of what they should be taught according to mine safety and health legislation. This is especially the case in small and medium mines as well as in deep level mining in the goldfields - where complex training is most needed.

Songs and a type of masculine joshing within groups are used extensively by miners in dealing with the challenges of long shift work which induce severe stress, fatigue and social pressure. Many of the migrants and those from rural areas rely on “bolstering” rituals performed with their sangomas on periodic visits back to their homeland areas. More characteristically, and in between these scattered journeys to their place of birth, marijuana and other types of narcotic concoctions along with lavish amounts of cheap alcohol are prolifically consumed just to get to the job. Even more is used on the job as long shifts take their toll on physical and emotional strength that wears down even the best trained workers. Job focus and motivation go out the window (if there was one) so that in the last analysis the value of training declines towards shift-end, eight or nine hours after entry underground. By this point many miners are almost totally reliant on sheer endurance and dangerous short-cutting, i.e. doing precisely the opposite of what they are “trained” to do.

Most older miners complain of a serious drop in technical standards over the last fifteen to twenty years among both miners and their front-line supervisors who are supposed to function as role-models for those under their authority.

Here again theory diverges from reality because front-line supervisors are, in some respects, the most problematic strata in mining organisations

– the proverbial “ham-in-the sandwich” between the upper and lower rungs on the organisational ladder. Not only do they frequently impede upward and downward communications to the point where management is effectively messaged-out from daily developments at the rock face, but because of pressure from above, notably senior personnel in the shafts, they fail to reinforce whatever training operators receive at sunshine level.

The physical violence perpetrated by supervisors on subordinate staff during apartheid mining is generally a thing of the past, because the racial exclusivity associated with supervision has been almost entirely diluted in many mines and also because of union ability to monitor supervisor behaviour. Most of the older generation of basically white supervisors working the apartheid mines has retired or left the industry in the face of a rising class of black personnel from labour ranks encouraged by affirmative action in the more progressive companies. Other supervisors, who have found de-racialisation problematic, have left the country and emigrated if young enough.

Nonetheless, the new generation of supervisors of varied pigmentation are not above using many forms of emotional and social intimidation to ensure that labour stays in line. At one platinum mine where we did research on human relations we found abusive language used on workers to be a major problem, not only because workers could not respond in kind, but because the continuous swearing used by supervisors to motivate workers was having the reverse effect. This points to the deeper issue that supervisors, whatever their technical capabilities, generally lack the behavioural skills to carry through change into the mid-lower levels of mining organisations. This requires moving people when most supervisors are promoted into their positions through their sole ability to move rock.

Much more must be done to promote worker involvement in their own safety apart from training per se. As we have noted, safety initiatives worldwide are ultimately dependent on worker buy-in and this requires not just the “consultation” to which the industry lays claim, but over and beyond that, workforce engagement in the sense of an ongoing relationship, much like it’s pre-marital counterpart, where people are committed to each other,

speak a common language and are committed to working together in the realisation of joint interests on the basis of mutual accountability and trust.

This in turn requires effective mechanisms representing labour interests which are not necessarily the officially recognised unions.

At Lonmin, for example, management would have received far better intelligence for prophylactic action on worker, and in particular rock-driller, concerns, had it thought to consult, not only the “representative” union but also other groups such as local burial societies in Nkaneng with enormous influence over the migrants both outside and within the workplace. More generally mining management is far too reliant on other more modern mechanisms to assess worker sentiments that are inaccurate at best and probably quite useless. This includes mass meetings that exclude two-way dialogue, tool-box talks, mini-risk analysis at the points of entry into the shafts and, of course, Visible Felt Leadership (VFL) exercises to which workers are mainly indifferent.

Safety and health committees have spawned across the industry as its leadership has recognised the importance of worker participation in decision-making as an important facet of steering business successfully. Some work well in drawing management attention, but the majority do not and are for the most part inadequate vehicles for worker representation. Because democracy in the extraction industry is still an unfamiliar process, a work in progress as it were, there is enormous confusion between consultation where the audience is informed about what leadership intends to do as opposed to engagement - the purpose of which is to open up a free flow of dialogue around contested issues on the table.

Many joint committees of management and labour, we found after years of observation, are idiosyncratic in the sense of being dominated by a single person, normally but not always the mine manager, who simply, if often un-subtly, imposes his agenda. Workers, we found, seldom come to meetings armed with the background information necessary to ensure management accountability or fail to use it when faced with intimidation. Ultimately, work-

ers “representatives” may not represent anyone, may represent some mine members or, in the worst cases, are entirely self-interested. Further down the line other labour spokespeople such as safety representatives require far more legal clout if they are to effectively perform representative functions.

The appalling state of public education in South Africa also means that a huge proportion of the population has not even acquired a secondary school qualification. One consequence is that many mines are wracked by tensions over career development because they cannot enable the advancement of young people with aspirations in the shafts beyond a certain level once complex subjects such as maths and science kick in. Recruitment and retention of skills is problematic at all levels, especially of safety officers and risk analysts lured away from South Africa by lucrative offers by international mining, most characteristically by the Australians. There is a high level of supervisor circulation between mining companies so that training offered in one place becomes redundant in a different workplace and organisational setting.

Because of poor pay, hard conditions and opportunities for transference into the private or parastatal sectors, 50 percent of technical graduates in mining move out of the industry within a year; and more than 70 percent are shed in the first 10 years of employment.⁽¹¹⁾ For the great mass of untrained or partially-skilled mine workers there are no prospects of job transferability in a saturated market demanding skills that cannot be acquired. This means that those at the bottom, who are without doubt the most unskilled and illiterate group in any sector of the economy, stay at or near the bottom for their entire working existence.

Understanding social relationships – and especially social conflicts in the mines that frequently bubble to the surface – basically requires recognition of the simple deadening fact that the overwhelming majority of extraction workers at the rock face have simply nowhere to go. This is the major reason for frustration, demoralisation, lack of vocational commitment, unproductive and dangerous work habits, lack of mutual care, company loyalty and – one might add – a high degree of violence in both personal and inter-group relations. Since the divisions between the mobile and the great mass

of workers who are effectively captive in their existence still coincides largely with racial divisions, the problems are not simple reducible to “normal” management-labour relations. More accurately it is the old problem of race relations with its misdistribution of life opportunities.

A declining number of mine managers and their staff are the relics of the past. In the first years after 1994 many mines were dumping grounds for ex-apartheid apparatchiks and security force personnel to whom the centralised hierarchies of mines were congenial points of transference following years of service to apartheid. Most of this generation has passed on – some to their maker, others into retirement and, not a small portion, into the private security industry.

Although black mine managers are increasing in number, ownership outside the junior mines remains predominantly white capital. Black miners still find racial integration a notion beyond their experience precisely because their superiors remain white and because class still continues to reinforce race divisions. There are no white men who operate at the bottom as general workers nor are there white men to be found in the hostels and shanties that have proliferated around mining growth points throughout the country.

The elimination of segregation laws shifted the emphasis in the lives of many South Africans, but the fact remains that the poor, the unskilled, the migrants and the greater mass of miners remain as excluded from the distribution of social benefits as did their forefathers. In the entire mining industry, twenty years after apartheid, only fifteen percent of qualified personnel are black South Africans. Senior and middle management ranks, though slightly diluted, remain the monopoly of the relatively shrinking white minority population which has, for the most part, better access to education, public health care and the key levers of the economy.

The industry is running desperately short of highly qualified engineers at the upper end of the scale as well as certain types of qualified artisans on the lower rungs. This is because of the unattractive and relatively inaccessible location of many mines, comparatively poor remuneration relative to other

industries of rising in importance in the national economy and, not the least, the negative image of an industry that has been further damaged, at home and abroad, by events like Marikana. An estimated 20 percent of middle to senior management (most of whom are white) are over retirement age, but remain irreplaceable because the big corporations feel more comfortable with “experience”.

The result is a gerontocracy of leaders who, with obvious exceptions, are “old, grey” and not especially receptive to innovation. The extraction sector, despite a raft of limiting laws and charters, remains under the ownership of the organisations who always owned the mines, long before the end of apartheid. White personnel in the mines are almost always pushed up in status with mounting pressure for mobility from below. Only 0.2 percent of mining practitioners have any sort of advanced qualifications while a mere 15 to 17 percent of qualified personnel in the industry are black South Africans . I personally have never seen a white South African as “general labour” after a dozen years of research into the industry.

The experiences of workers outside the mine are also a facet of their behaviour within mine gates. We will deal with this in more detail at a later stage. In the meantime, in places like the North-West, competition with locals who generally look down on non-Tswana people creates considerable tension, not necessarily only over jobs – because most Tswana do not want to work in the mines except as a last option – but more over women. Since they are few in number, other than local women who have turned to transactional sex work as a means of survival, most men utilise the services of imported women - many of whom are trafficked and suffer from sexually transmitted diseases, including HIV-AIDS.

While many Marikana men can obtain assistance from the local clinic, which is the only high-visibility developmental project initiated by Lonmin in the area, most prefer, to the alarm of modern medical practitioners, not to do so. Many still consult tribal herbalists and one consequence is that these men become transmission lines for increased HIV-AIDS in the labour-providing rural areas where they return intermittently. Those who seek help on

the mine and are diagnosed as positive often do not take antiretroviral treatment because of its devastating impact on poorly nourished men who work hard and have often neglected their condition beyond a point of no return. Most miners are in strong denial because sickness of any sort can mean exclusion from the work team underground. This is not because of empathy but rather because all must pull their weight if the team and its supervisors are to obtain the bonus.

We have witnessed many cases of men too weak to walk being supported by colleagues through the clock-in that allows them to be registered as present for work. Some of these men operate dangerous machinery despite having taken their ARVs either at the wrong time just before the shift or without adequate meals to support them at work. Those who are so mentally incapacitated as to make work impossible are left to rest for the remainder of the shift. Since the teams often suffer from absenteeism for all reasons, this means that they work with far too few members and thus take every imaginably dangerous short-cut. This is especially pertinent when, as now, Marikana workers are allegedly being pushed to, and over, human limits on long shifts to make up production downtime brought about by the strikes and massacre.

Relative to five, ten or even fifty years ago, occupational health facilities have improved immeasurably, if only because healthier workers are more productive and the mining industry has moved forward with worker-wellness in an aggressive manner.

The Chamber of Mines has a number of programmes dealing with the long-term challenges of occupational disease, while workers are more than ever being scanned, diagnosed and then treated through a network of organisations. Roughly 536 mines now comply with Section 16 of the MHSA which requires submission of annual medical reports (AMR's) to the Medical Inspector (though not necessarily by the annual February deadline data). More medical surveillance takes place at mine level than ever before (although a good proportion of the 2009 figures are attributable to exit medical examinations necessitated by retrenchments as a result of the global economic cri-

sis). At AngloGold Ashanti, for example, over 51,000 medical surveillance examinations were carried out at South African operations by 2008 alone.

Changes to occupational disease regulations following the end of apartheid have also eased the lot of victims who were previously paid compensation under the Mines and Works Act only in proportion to their salaries. (This meant major discrimination against “non-white workers” at the bottom of the pay-scale).

Health risks in mining nonetheless remain profound and, despite the recommendations of the Leon Commission before the millennium that mine safety legislation embrace occupational health, many more miners may actually be at risk than ten years ago.

With increasing recognition of the relationship between worker wellness and integrated risk management there has been some improvement in the reduction of the unacceptably high levels of TB, silicosis, pneumoconiosis and hearing impairment noted by the Leon Commission in its investigation of occupational health conditions in 1994. Unfortunately, the Commission was not confronted with HIV-AIDS which is currently at the epicentre of action to manage threats to the health of mineworkers, and has been for the subsequent twenty years after 1994.

It was not until 2002 that Anglo American became the first large company in South Africa to offer free antiretroviral treatment to its HIV-infected employees. Today Anglo is spending about R10 million per annum on health and AIDS-related services in historically disadvantaged areas of South Africa. Anglo Coal has also trained over 250 peer educators and has been awarded the Global Business Coalition (GBS) awards for its pioneering programme against HIV-AIDS in the workplace.(12)

Other mining houses have followed suit in instituting HIV-AIDS programmes in the workplace, typically involving prevention programmes, informed consent, voluntary counselling and testing, care, support and treatment. De Beers, for example, estimates its own in-house rate to be about

10 percent with 75 percent of its workers having clarified their HIV-AIDS status.

HIV-AIDS and tuberculosis, the current pillars of worker illnesses, nevertheless remain endemic and mutually reinforcing, despite company activity and new laws that require the appointment of occupational health practitioners and hygienists in each mine along with baseline, issue-based and continuous risk health assessments similar to those conducted in the “pure” safety arena.

It has been estimated that between 16 and 30 percent of the mineworkers in the gold and platinum sectors are infected with HIV-AIDS - depending on how the statistics are constructed. It is also suspected that many miners do not test or report on their HIV-AIDS status for fear of discrimination by co-workers and supervisors. Mineworkers remain the portion of industrial labour most at risk because of migration, life in the many single-sex apartheid-style hostels that continue to accommodate more than half of all mineworkers, and relationships with sex workers who congregate around mining operations.

Government takes the position that while HIV-AIDS mitigation requires the collective effort of all stakeholders, primary responsibility lies with employers. This was the content of a statement by a previous Minerals and Energy Minister, Buyelwa Sonjica, in Oct 2007, and remains essentially the government position. It is to the credit of the various mining houses that they have assumed these obligations, leading to a situation, where although possibly twice as many people in mining are infected with HIV-AIDS relative to the general population, they are at the same time now more aware of their status, along with better access to treatment.

Status knowledge has however ironically increased the stigma attached to the virus whose implications are long-term and often go untreated for years on end. Many treatment programmes also lack adequate compassion and many of those receiving treatment cannot work productively (or safely) because of side-effects from ART (anti-retroviral treatment). This, in turn, creates antagonism with other team members where group production bo-

nurses are involved. There are, as we have noted, cases where miners in the last stages of the disease are assisted into the stopes by colleagues who realise the economic consequences of being laid off. There are also cases where terminally ill miners put themselves at risk in the hope that a fatal accident will allow their dependents to claim death benefits.

Despite better occupational health management in general, the HIV-AIDS epidemic will almost certainly remain a growing reality for most miners driven by poverty and migration into highly masculine environments where alcohol, drugs and sex are prolific. Improved health and safety at this level is a major challenge. The extension of family-style habitation that allows miners to be with wives and children is one part of the “solution” advocated by the unions, but this is costly for even the larger operations in the industry, does not necessarily lead to the anticipated decline in use of sex-workers, and, in some instances, is opposed by miners who have been acculturated to the “two-life” lifestyle involved in migration back and forth to the urban areas.

Although pre-dating HIV-AIDS in mining, tuberculosis control is also failing because of its mutually reinforcing relationship with HIV-AIDS. Recently conducted tests in the gold-mining industry confirm early studies almost thirty years ago on the Free State Gold Fields that latent TB may be prevalent among almost 90 percent of gold miners.

Silicosis complements the grim HIV-TB dyad since those with the latter infections are most likely to be silicosis candidates. The elimination of silicosis is planned for the future but the industry is failing to reach its 5.94 percent reduction milestone for each year. This means many miners are continuing to be physically broken after a combined lifetime experience of migrant labour, single sex hostels and exposure to silica. As in the past, many miners work with silicosis disease being omnipresent before eventually returning, virtually untreatable, to their original homes.

Noise-induced hearing loss (NIHL) is also widespread, partially because rock drills are so loud that substantial damage can be caused to even operators wearing ear protection. Notwithstanding the fact that new, quieter,

lighter and more expensive drills are being introduced in some mines, the majority still use older equipment that is not only seen as more productive, but whose steel mufflers do not corrode when exposed to the water sprays used to control dust. Newer machines can emit noise below the 110 decibels of sound pressure laid down by the DMR as an acceptable level for all drilling from 2013 onwards, but even these newer technologies can only be used for five or six hours - with hearing protection. Many workers in the lowest grades fail to comply with the occupational health rules governing usage, work with older drills, or fail to protect their ears and therefore continue to still experience far more than the 10 percent deterioration in hearing laid down by the DMR as “standard”.

When all is said and done we are still very far off from the international standards that we need to reach in order to establish our status as a mining country sensitive to the primacy and productivity of its human assets. This is especially the case in the safety area where - at a time when international statistics speak in the order of less than 0.1 per millions of hours worked - our arithmetic on deaths and injuries still hovers in digits. This means that while serious injuries are almost entirely redundant in extraction industries in the advanced industrial economies of which we see ourselves a member, we are still causing enormous human harm in our mines, especially in gold and platinum.

South African mining is substantially bigger than many of its counterparts worldwide, however we are still very far off from the achievements in safety of countries such as Australia or the United States, whose respective FIFRs (Fatal Injury Frequency Rates) hover around 0.15 to 0.20. Bearing in mind that we employ many more people – and what is most important – very different people, we still manage to kill or injure more people in each year than in, for example, in the entire long history of Australian mining. Even our competitor in gold, Peru, with an industry providing formal jobs for about 60,000 people, is doing substantially better than we are.

Ultimately, we still remain one of the most supremely dangerous mining countries on the planet. We are also nowhere near the safety projections for 2013 optimistically conjured up by senior mining executives a few years ago.

In 2010 the Chamber of Mines expressed concern that overall, and especially in gold, safety statistics were running behind schedule if we planned to enter the ranks of reputable mining in the advanced economies in three years. But the situation is far worse today in many respects. If we are to re-set the deadline to, for example 2016, we still have to improve by an essentially impossible percentage year-on-year. This reflects a situation where deaths are inching down very slowly.

Lost time injuries in general are likewise going down, but still fail to reach global standards, basically because the industry still avoids attribut-

...fatalities have fallen by about 20 percent and may, with luck, settle at the 100 person mark per annum.

This is still several dozen too many for an industry that seeks to align itself with international standards and represents a colossal failure in relation to the hopes of mineral extractors to reach the much-maligned concept of “zero-harm” by 2013.

ing sufficient importance to human issues that make the difference between where we are and where we should be. CONOPS (continuous operations necessary to ensure world competitiveness) also raises the risk level and leads to the very demoralising prospect that safety improvements have (or are reaching) their outer limits given the structurally dangerous charac-

teristics of South African mining as it now stands. This pessimism increases when even most-improved mines, e.g. Union Mine at Anglo-Platinum for a time, regress into another fatality or, in some cases, a series of fatalities after a period of seemingly permanent industrial peace, at least safety-wise. More sombrely, it means accepting as “normal” perhaps several scores of deaths and a thousand serious injuries per annum in the short-term future.

As at the time of writing, safety statistics for 2012 had not been released by the DMR. Scanning media reports during the year our impression is that there has been fairly significant progress in the reduction of the number of fatalities on mining sites in the previous calendar year: fatalities have fallen by about 20 percent and may, with luck, settle at the 100 person mark per annum. Having said this, this is still seven to eight dozen too many for an

industry that seeks to align itself with international standards and represents a colossal failure in relation to the hopes of mineral extractors to reach the much-maligned concept of “zero-harm” by 2013. On-the-job fatalities also remain concentrated in the gold and platinum mining sectors which are likely to make up about three-quarters of the death statistics. Industry “leaders” will probably be companies like Goldfields, AngloGold Ashanti, Amplats, Harmony and Impala. Death rates in these operations characteristically hover around the one dozen mark and this is not expected to change in 2012. Other than the chaos around Lonmin on August 16th, there have been no occupational deaths on the mine during 2012.

At least a third of workplace injuries in the industry occur in the appalling conditions we have described around the Rustenburg platinum mines.

This is, we guess, unlikely to change as the layoffs planned for the area induce further demoralisation in the working population. With Anglo Platinum rumoured to be contemplating at least 12,000 to 15,000 retrenchments in its Rustenburg mines, the labour that can produce according to production targets is likely to be radically separated from those who don’t, or cannot. This means more production pressure in the stopes and more injuries. Nothing much suggests that mines will radically depart from the 3,000 reported injuries, i.e. 250 per month or around 10 per day.. This has not changed substantially over the years despite the leverage that mine owners seem to have developed to a degree over mortalities.

Given that each worker supports a conservative ten people and is frequently the sole breadwinner in many poor rural families, 20,000 miners out of work means serious problems for at least 200,000 people.

Retrenchments in the industry will, we believe, evoke a serious downturn in the carefully calibrated tripartite relations developed between labour, employers and government in 2013. The lay-off of thousands of mine workers in any one company will spiral to encourage other big owners to follow a similar path in dealing with the refusal of workers to accept present wages and working conditions. Given that each worker supports a conservative ten people

and is frequently the sole breadwinner in many poor rural families, 20,000 miners out of work means serious problems for at least 200,000 people. This will have a serious impact on places like the Eastern Cape from where many miners originate and where social services are severely under-capacitated.

Even should the mining companies take responsibility for those whom they retrench it is difficult to see where thousands of workers can be re-positioned in the foreseeable future. Anglo-Platinum, we believe, will sweeten retrenchment with promises to create job opportunities for those who are almost inevitably to be laid off when re-structuring programmes come into effect in 2013, but it is difficult to see how this can be done in a short period of time during which ex-miners lack any source of income.

Government is also committed to stricter economic control over mining profits so that the industry can expect higher taxes in the very near future. This will force the mines to close shafts which can conceivably be taken over by government in terms of its policy to “manage strategic national assets” under the new National Development Programme. While straight nationalisation is supposedly off the cards, action along these lines, as well as a review of licensing rights, will further harm the foreign investment climate for at least two or three years. After this, world shortages of platinum in particular will drive up prices and marginally reduce the risk of pumping money into the South African mining economy.

In the last analysis, working conditions need to be vastly improved if South Africa is to continue sustainable mining into the 21st century, or alternatively, if we are to come anywhere near the much-vaunted goal of zero-harm. This depends on many factors that have implications for baseline human and technical risk - from provision of dependable long-term sources of energy, to arming the state with more capacity to ensure better compliance of the mines with the existing (or a modulated version) of the legal regime governing many matters from safety through to the use of water and the licensing process.

Nevertheless, only so much can be done by discreet organisational de-

velopment initiatives, even those that take account of the human factor, because, as Marikana clearly demonstrates, who goes into the mine, how they get there and what they do in the fifteen or sixteen hours off the job is absolutely critical – even if this is mostly outside the responsibility of the mine manager. Still, we need very different attitudes and behaviour at all levels. Even if, as some top management insist, there has been a sea change at corporate level this still has to filter down to shape the daily choices made on site by management, supervisors and even operators who are among the strongest supporters of competitive production bonuses because, among other things, they are simply not paid enough.

In the course of conducting interviews with key industrial stakeholders both prior to, and after, Marikana it became painfully clear that many strategically-placed executives at corporate level are cynical about safety being brought into alignment with other major mining countries who we wish to emulate, without historically-defiant changes in workplace relations and industrial dynamics.

After Marikana confidence in and within the industry has dropped precipitously and for not a few mining managers this alignment is now maybe a decade off – if all “goes well” in South Africa. Many more display discomfort when interrogated on South African mining issues post-Marikana by investigative analysts, by their international counterparts and/or foreign investors alarmed about the financial, social and ethical costs of what appear to be persistent delinquencies in South African mines, when it comes to basic issues of human rights.

Some of the biggest role-players in the industry have gone public with their concerns, albeit often elliptically. Anglo Platinum has over the years condemned what it deems “unacceptable safety standards”, as have other senior persons in many big corporates, including Goldfields and BHP-Billiton, among others. This is the thin edge of a wedge of other mining companies who are not only still challenged by safety but running out of options for improvement after several years’ experience with a mixture of technical and behavioural fiddling that fail to get to the level of root causes. The Chamber

readily admitted as much as three years pre-Marikana to being “still far from happy with our safety record”. Despite improvement in many mines, in some cases radically so, many powerful gold and platinum interests are now also ruefully confirming the view articulated over years that we are “struggling to make definitive progress”.

All of this still begs the question, perhaps the most important in the industry, now that the dust is settling to some extent on the Marikana massacre, of why most, if not all our mines are so relatively slow in moving along the road to improved safety and better work conditions, often repeating mistakes, duplicating “groundbreaking” research, wasting money on dubious interventions and generally stumbling along despite the business

In the last analysis, working conditions need to be vastly improved if South Africa is to continue sustainable mining into the 21st century, or alternatively, if we are to come anywhere near the much-vaunted goal of zero-harm.

logic of safe production, the moral compulsions from all sides and, not least, pressures from an increasingly impatient South African government.

Some major companies have attributed their own and wider industry problems to a mixture of skills shortages and high staff turnover, although there is evidence to suggest that the

skills shortage may have been vastly exaggerated in some respects. Government, in turn, demands change in the Mining Charter, stronger regulation, better law enforcement and even at the outer edges of state opinion, nationalisation of the mining industry. We shall return to some of this in our conclusive chapter.

In the meantime a neighbour of Lonmin, Impala Platinum, has blamed many of its problems on the presence of high numbers of contractors working at new shafts in the Impala Lease area near Rustenburg. It is to these issues that we turn in the following chapter.

CHAPTER THREE

Migrating, Broking and Contracting

“Although human exploitation (today) is often not called slavery, the conditions are the same. People in Asia, Europe and Southern Africa,(especially in South Africa) are deceptively recruited from the rural areas for work on farms and on the mines. These are mainly migrants who are brokered, sold like objects, forced to work for little pay, dehumanised and at the mercy of their employers”

- World Anti-Slavery Organisation.

There are basically two types of mines in South Africa and these are worlds apart.

One type is those mines whose operations conform to formal structures, organisations, systems and rules. This involves a defined and visible space within which precious ores are extracted by a rational interface between men and machines, whose core business is to take rocks from the earth and, by a lengthy process, sell them on the market. The mine is, in addition, a pyramid with managers at the top and the middle, supervisors who monitor the workforce and, deep underground, workers who follow certain technical and organisational principles to maximise production and reduce risk in the workplace.

The whole system is linked by communications running up and down the chain of command, leadership which provides direction, workers who strive to meet production demands, and an all-embracing culture based on mutual trust, interdependence, common loyalty, care, and all-round job satisfaction among almost everyone. This entire structure is serviced by a local community that depends on the mine because it accounts for its upward mobility, development and welfare.

Unfortunately, such a mine does not exist anywhere except in company reports. It is certainly absent from the physical realities of the South African mining landscape. While glossy annual reports frequently speak of local mines in glowing terms this is mainly an illusion designed to attract investors and, for those in the mines themselves, a delusion that detracts from the real hard business involving often, incapacitated institutions and fractured social relationships. This is the reality of mining at present. Ultimately, the mining industry can only be understood by digging deep into its informal networks, i.e. what happens day-to-day as opposed to what should happen on a regular basis.

The recruitment and absorption of labour is a case in point.

While the ideal holds that labour should be recruited on merit or capacity to effectively perform certain functions to a standard of physical and social excellence this is seldom the case. Except for administrative and managerial positions, mining in South Africa uses, by far, the least skilled people of any economic sector. Even in the more progressive mines, the miners, the people whose human muscle is essential to drive the mining process, have very low levels of literacy and education. Many, despite ABET programs that have gone wrong (largely because workers are too exhausted to learn between shifts), are simply untrainable in basic organisational tasks not because of any cognitive deficiency but simply because of poor to no previous education.

As we have indicated, many miners, particular migrant labour, are not trained at all on arrival at the mine itself but are sent down into the shafts to work and protect themselves as best they can. Here the migrants enter

a world of more experienced peers and supervisors whose work is largely governed by custom and ultimately by what works to drive the face forward under production pressure from the shaft authorities. This does not necessarily have anything to do with safety rules, written neatly in brochures - either because such rules make no sense to illiterate personnel, or because were one to confine behaviour to safety rules, their supervisors remind them, the pace of work would not result in a production bonus. The pervading theme is “n-boer-maak-n-plan” for most of the time especially when machinery, supportive services and human skills are unavailable at the rockface because of logistic shortfalls along the line of operations”.

From a safety and production perspective, the use of migrant and contracted labour has a number of distinct disadvantages. In extractive industries, both in South Africa and world-wide, labour of this type is highly unstable because it is only partially socialised into the mining environment. The problems are compounded when these workers are given little training. South African mines nonetheless make extensive use of migrants and, increasingly, of short-term contractors almost twenty years after apartheid because it is cheap, basically un-unionised and mainly compliant when pushed to reach production targets. Generally-speaking the contracted worker is also easier to hire and fire in line with cyclical variations in the world-wide market demand for precious minerals, especially gold. Responsibility for their payment and well-being can be shifted from the mine to labour brokers (most of whom are indifferent to worker conditions). Ultimately, contract migrants also allow the mining houses to circumvent the increasingly onerous demands made on them for sustainably developing more permanent worker communities.

Many miners are not trained at all on arrival at the mine itself but are sent down into the shafts to work and protect themselves as best they can.

The percentage of contract workers among the total labour force has consequently increased. Although we cannot measure the extent of outsourcing with any exactitude it has risen precipitously since 1994 when about 10 per cent of miners were on contract. Today it is estimated that well over 100,000

miners are contract labour, including over 60 percent of the workforce in the Rustenburg platinum mines. At Marikana itself some 30 to 40 percent are believed to be contracted in some form or another. Most of this group live in the appalling squalor of the “forced place”, i.e. ‘Nkaneng’ translated from Tswana. In other North-West platinum mines the proportion of contracted migrants of varying mobility in-and-out the mines is even higher. In some operations like nearby Aquarius Mine, the permanent workers are a relatively small proportion of the total workforce. In gold mining, to the best of our knowledge, the current number of contractors is at least double that of the early nineties.

Here again, anomalies arise, most of which are seriously prejudicial for both the worker and business excellence. The commercialisation and increased focus on developmental work by TEBA, the historically largest “official” labour broker whose history dates back through South African mining, has created a gap in the supply chain that has been rapidly filled in recent years by other smaller organisations who have possibly taken up about half the current market. The result is that while TEBA and other perfectly legitimate brokers continue to supply mine labour, largely on request when vacancies arise, increasing numbers of contractors are produced by individuals and organisations who are less selective in whom they place on their lists and who often make substantial money from listing people who may have the ability to provide both financial and sexual favours, but who are otherwise entirely unsuited by skill, physical or psychological disposition for mine work, especially hard labour in hazardous underground conditions.

There are now an estimated 3.000 “organisations” of varying degrees of size and legality who scour South and Southern Africa as middle-men between the mines and so-called “labour-providing” areas. This is an industry that is guess-estimated to be turning over hundreds of millions of Rand per annum. Since the procurement agencies at most mines are open to admit cheap and untested labour in order to continue meeting production targets, many people are now coming into the mines via these labour brokers who do perceive themselves as representing a human asset. Many contractors, who may be enlisted for anything from a three-month period to a year or

more, work dangerously under the influence of peers to whom the production bonus is essential for economic survival, or they work unproductively, at least until they acquire the basic capabilities to do the job. Since those given meaningful training and promotion are the most proficient rock-movers this creates a self-sustaining situation where no one is effectively trained, except some team leaders and supervisors with basic technical skills, but no human skills to lead effectively in the workplace.

Broking for the lower portion of the extraction industries is not inevitably human trafficking but has a worldwide disposition to become so once “fly-by-night” operators occupy the narrow space between placement and human exploitation.

In the Marikana and wider Rustenburg area, many mines that still have service-level agreements with TEBA are starting to more frequently use brokers who can provide labour at lower costs per unit while creaming off money all along the supply chain. Traditional chiefs are also not immune to the financial temptations available in a huge pool of unemployed men and women, which may be as high as 40 percent of the South African population, and have little compunction to supplement their income by providing labour to the mines in a way that violates the human rights provisions of the Constitution. Here again, nepotism and the industries decreasing regard for human quality of life fuels a process which is further encouraged by cost containment in platinum mines in the wake of the worldwide economic recession.

Importing labour makes huge profits for the brokers who arrive with their human cargo on the streets of Marikana, typically outside Liquor Boys if young men are designated for Karee Shaft, or near Prof Herbal Medicines from where human cargo is dispatched to Eastern or Western Shaft, also operated by Lonmin. Most of the brokers are illicit and work closely with taxi drivers and others in the transportation sector in what is essentially and in the end, human trafficking. Many of the people on the veld on 16 August were the products – even if they and the mine are unaware - of a very lengthy, complex, low risk but hugely lucrative supply chain that runs from points-of-origin, or so-called “labour-sending areas”, direct to mine

procurement offices.

Hordes of people in the mining industry around Rustenburg claim to be “labour brokers” but in many cases this is no more than a friend or acquaintance who, upon hearing about some available job at a mine, informs a person of its existence. This is qualitatively different from someone who extracts a fee for a reference and, at a lower level of the feeder-chain, takes the time to actively seek out job-seekers who are then sold into a network, normally without their knowledge or concurrence, then exploited and, in the worst cases, denied exit from their employment because of threat or debt. Nonetheless, there are fine lines of distinction as we found when seeking to separate the real from the supposed human traders.

Having said so, union officials are well-placed and often well connected to middle-management in the North-West mines as well as elsewhere. Shop stewards and others who have come to form the NUM labour aristocracy rejected in the recent strikes following the initial impetus of the Marikana massacre are known to dabble in broking, as we found in interviews with common miners not only at Marikana but also at Implats, AngloPlats and other big companies operating in the platinum belt. No one is understandably willing to name names in a climate of violence where economic interests are at stake, but there are, we found, many who see a connection at the dividing line between the “sellouts” and those who successfully sell workers. Parts of the dynamics in the “inter-union competition” that has captivated the press have to do with this deeply subterranean struggle between NUM and AMCU elements over control of the highly profitable labour networks.

As we have noted, some of the local chiefs in the area are also involved in these opportunistic and humanly degrading activities. Chiefs in the North-West additionally appear to have also gone into money-lending and associated forms of human exploitation through their ability to provide registration certificates regarding place of abode. This means that if and when the mining companies honour the principle that they will only recruit people within a radius of 50 kms of the mine, the local chief is in the position to make a life-and-death decision for prospective mine employees who then,

in turn, express gratitude to the traditional leader. This normally involves money, sex, or some other service required by the chiefs, some of whom are also involved in cigarette, alcohol and small-arms trafficking as a supplement to their work in the labour field.

When the mining houses, as they often do, scour the market for just about anyone, the labour brokers come in to submit their lists of appropriate people to be registered by the chiefs as local residents, and then recoup their “expenses” at both ends of the supply chain. Job-seekers are thereby placed in double jeopardy through paying for registration and then having the labour broker deduct a second chunk of money from his/her monthly salary. This leads to increasing debt which the worker must work off as a form of debt bondage. Simply managing these financial contortions can become a life-long activity that effectively wipes out any salary at all and leads to a worker being enslaved, not by the mine who is generally oblivious of the financial tentacles wrapped around their workers, but by the rapacious labour brokers.

Chiefs, it should also be born in mind, largely control the convention that when a miner leaves his place of work – voluntarily or involuntarily in a coffin – another village “boy” should take his place. Once again the chief who may be a part-time broker or mix in these circles has inordinate power to determine the life chances of the tens of thousands of indigenous or “foreign” North-Westerners, desperately seeking employment. In the case of the latter, again outside the comprehension of how mines should work, many miners are so debt-bondaged that it is impossible to pay off the traditional or secular network in a single lifetime no matter what rewards he (or she) derives from years of labour in the mine. In these cases, depending on the inhumanity of the creditor, accumulated debts can be transferred to another member of the family who will then be held hostage in what has become a trans-generational system of exploitation.

The system also works outside the immediate periphery of the mine, extending into the poverty nodes of South and Southern Africa from which mine labour has been traditionally recruited.

While changes in immigration laws have limited the number of migrant workers who can casually wander into South Africa it has, in many respects encouraged transnational labour broking and human trafficking as desperate people turn to human smugglers in their attempts to job-seek in the mining and construction industries. Swaziland will ostensibly have no workers in the industry in the next few years but the belief that there are only 5,000 Swazi citizens left in the mining industry after retrenchments in 2012 is completely misleading.⁽¹⁾

...many miners are so debt-bondaged so that it is impossible to pay off the traditional or secular network in a single lifetime no matter what rewards he (or she) derives from years of labour in the mine. In these cases, depending on the inhumanity of the creditor, accumulated debts can be transferred to another member of the family who will then be held hostage in what has become an inter-generational system of exploitation.

Tightening immigration laws have in fact had a dire impact on Southern African economies reliant on mining jobs in the South Africa epicentre, either directly, or in the case of Swaziland and Lesotho, through remittances that have gone over the borders dating back to the early 20th century. Hundreds of thousands of people are now assisted illegal immigrants across our porous Northern and Eastern

borders. Nigerian, Chinese, Ukrainian and South African syndicates are involved in border smuggling that may simply help people cross frontiers (at a price); others ratchet up operations to include entrapment which involves selling people off to human trafficking networks that supply mine, farm and commercial sex labour through brokerage channels at distribution points in such places as Musina, Ermelo, Welkom and Rustenburg.

As recent research suggests, Nigerian and other criminals elements have also effectively penetrated the cultural networks of the Eastern Cape and parts of Lesotho where they manipulate historic traditions for illicit purposes which involve the recruitment of sexual and mining labour.

Many of the labour brokers working the small and often abutting villages

in the vicinity of places like Umtata, Lusikiski or Bizana are agents of bigger criminal syndicates working out of Port Elizabeth to falsely propagate the virtues of a mining existence to an audience of often desperate and naïve young men and women. Seductive promises are made of inflated salaries, good housing, recreational facilities and social networks that will allow a miner to quickly rise from underground into well-rewarded sunshine work. Most young men respond positively and are then transported - without knowledge of the wider system of human manipulation - up to places like Marikana and adjoining mines (as well as the Free State Goldfields) where they are off-loaded with their blankets, cardboard suit-cases and soon sent underground.

Either way the message hits home on the first pay day when the new worker faces deductions – for being suitably placed on the labour list to begin with, transportation expenses, supplementary food which is provided to innocent rural dwellers at hugely inflated prices and other extras.

This frequently cancels out both the salary and production bonus that the miner may have earned. It also has the effect of pushing him towards the loan sharks who populate the mining areas in profusion, some of whom are agents of complex networks of criminals operating out of Rustenburg or even Johannesburg. Since these elements also deal in narcotics, cigarettes and trafficked young women from across the borders of the same rural areas as the men, the process of debt-bonding clicks into play with the same tragic results as if a mineworker were recruited locally.

Recruitment into the Rustenburg mines is ostensibly handled by TEBA from its offices near Phokeng. Here, applicants for the mines come from all over South Africa to be vetted for mine work. This normally involves skills-testing and measurement for capability to do draining and continuous labour. There is no serious psychological testing other than basic tests for eye-hand- coordination despite a growing literature that suggests that paranoia, depression, schizophrenia and other emotional disturbances are widespread among closely-confined sub-surface miners, especially those who have witnessed gross accidents and mortalities in the shafts.

Despite a wider international literature that documents the extreme stress involved with underground extraction, the number of industrial psychologists with capability to deal with the complex anthropology of people recently arrived from the rural areas is woefully small. One consequence is

...Nigerian and other criminals elements have also effectively penetrated the cultural networks of the Eastern Cape and parts of Lesotho where they manipulate historic traditions for illicit purposes which involve the recruitment of sexual and mining labour.

that “people” issues are frequently hived off to the human resources and other departments in the mines who have no specialist capability to evaluate incoming miners. These are presumed to be “adequate” unless bizarre behaviour symptoms are displayed and then written off to “tribal custom” by observers who are almost invariably white and urban.

In the normal mechanics of entry what is of primary importance to mining organisations is the sheer ability to perform in hot, cramped conditions. No testing for HIV-AIDS is done because this is unconstitutional. A proportion of people survive the selection process often because it is difficult to track backgrounds or the veracity of documentation, e.g. education and physical health certificates which can easily be acquired en route or outside the TEBA gates. This area is also worked by contractors and labour brokers who can, on suitable payment, find alternative mining jobs for those failing the TEBA tests.

There is little curiosity in the mines or other big labour-intensive industries about the personal circumstances of their workers, including their origins. Most of these questions are left to human resources and personnel officers, for many of whom the key issues are industrial relations and not the specifics of human procurement. In the mining industry there is a heavy reliance on the judgments of TEBA despite the fact that TEBA lacks capacity to screen all documents on age, immigration status and educational qualifications submitted by candidates. Many of these are fraudulent even when “certified” by corrupt police authorities, some of whom are in the pay of labour brokers seeking placements for their own stock of people.

The result is that a large proportion of these workers are ferried to mines like Lonmin by unscrupulous labour brokers whose dubious business is to import desperate and jobless people from regional poverty nodes, in the Eastern Cape, Lesotho and even further afield across national boundaries in Zimbabwe and Mozambique. Local recruitment, i.e. in the Rustenburg area itself, is by word-of-mouth to literally dozens of opportunistic elements who introduce workers, often under false pretences, to the mine. Some of these locals also deal in forged documentation that is not especially perused at the mine gates or by mine officials – again at a price. Many desperate young men are also rejected by TEBA, mainly on physical grounds and especially where HIV-AIDS is suspected. Many of these then congregate outside the recruitment office or at some other designated place like the football stadium at Phokeng where they are easy prey for the literally dozens of brokers who habituate the area.

As we have suggested, labour brokers, their agents and their various layers of agents are almost impenetrably complex in what is a highly lucrative and low risk business. This is at least partially because labour “products” can be repeatedly sold in largely silent conditions where everybody from mine procurement officers to designated, sub-designated, and sub-sub-contractors working on an informal, often personalised and generally “need-to-know” basis.

As we have already suggested, mine recruitment officials in many mines are surprisingly uninformed about who pitches up for work at the mine gates, especially where there is a high rate of absenteeism in the stopes that compromises production targets. Absent underground workers is in fact a major problem in the industry, partially because many miners are genuinely sick from a range of diseases including HIV-AIDS, demoralised by rote work, drunk or otherwise indisposed to be in the right place and doing the right job at the right time.

The consequence is that short-handed teams fail to work because they lack indispensable people, work twice as hard to fulfil their quota despite short-staff and, in the last analysis, injure or even kill themselves and ev-

everybody else in the vicinity in the process of taking short-cuts. This almost ongoing lack of compliance with the rules of what is some of the best mine safety legislation in the world is aggravated both by the basic economic marginalisation of low-grade workers who cannot survive on their salaries alone, by debt pressure even if they are not brokered by heartless networks, and not the least by the so-called “boer-maak-n-plan” attitude that pervades mine culture and basically means that mining goes ahead even if critical equipment and safety barriers are not in place. Several miners sometimes share equipment meant for one because someone up the line of operations, supervisor, shift boss or mine captain has insufficient planning capacity or motivation to ensure that what is needed actually goes to the point of extraction. In some cases this can mean crews mining an area without roof-support because everyone, including the supervisors, are obsessed by the need to get their bonus by filling the daily quota and forging ahead regardless.

Either way there are hardly any prosecutions for labour broking activities in South Africa to date, partially because, outside the mine (or the factory) the criminal justice system has neither the means nor the knowledge to recognise what amounts to human trafficking in one form or another.

Despite the virtual advent of our first anti-trafficking law in mid-2012, prosecution of brokers-cum-traffickers is also inhibited by the fact that few human transactions of this order are violent except in one or two cases in the Free State Goldfields where young men (and women) have been forcefully abducted from Lesotho, transported into holding areas around Welkom and later inserted surreptitiously into the shafts where they work as sex slaves or servants for illegal miners.

On the contrary, the whole process is ensured by fraud and deception at the point of recruitment – young men are offered inflated salaries but are then debt-bondaged on arrival, or when the first month's pay comes around and the brokers make their deductions. Since this often far supercedes income, the exploitative net spreads to involve opportunistic money-lenders, some of whom are reputedly the local agents of bigger criminal networks run by Johannesburg-based West African syndicates. These are involved not

only in loan-sharking to miners and other urban people, but also racketeering, drugs, and small armaments, most of which is focused on the big metropolitan areas like Johannesburg, Cape Town or Durban.

In the rural areas of the mines, however, broking is enforced by loan sharks obtaining garnishee orders against workers who owe money or, when this is ineffective, by documentary servitude which often involves brokers or their agents waiting at ATM's or mine pay-points to intimidate debtors, confiscate identity documents or items of value that workers may have on them. Obedience is also typically enforced by threats being made to families and children back in the rural areas, i.e. in the villages or points of origin from which labour is contracted.(2)

Either way there are hardly any prosecutions for labour broking activities in South Africa to date, partially because, outside the mine (or the factory) the criminal justice system has neither the means nor the knowledge to recognise human trafficking in one form or another.

A highly profitable side-line involves commercial sex trafficking of young girls or even children to service the needs of both contract and more permanent members of the Marikana and abutting mines, most of whom are inevitably male. Most of these workers have left their families in the rural areas to look after their homes in their absence. Visitation varies but in most cases occurs quarterly at most because workers simply lack the money to visit and in many cases to send home remittances.

The young women who work the commercial sex networks at Marikana are a mixture of rural South Africans or women from Zimbabwe and Mozambique who have illegally transgressed the borders and have been hijacked by gangs, or taxi-drivers associated with the gangs, while seeking transportation to the big urban centres. Rustenburg is, in fact, a major staging area for commercial sex-workers being moved by traffickers around the country, many of whom like the loan sharks, have links to Nigerian syndicates working in Johannesburg and further into Africa.

The process of recruitment, much like the men, involves deception and

fraud, at least at the outset, after which the young women are typically raped, beaten or forced into drug addiction that ensures their dependence on their perpetrators. Most of these women are, to the best of our knowledge, “socialised” at small isolated towns on the route to Rustenburg from which they venture to Marikana and nearby mining settlements where they work out of locked shacks under close supervision by their minders. Because of their impermanent presence, mainly at the weekends or during the night, they are hard to detect. This allows most end-users to deny their existence. In the meantime, many Marikana women or their offspring have also turned to sex work as a survival strategy because of gender discrimination at the mines and few other jobs for women in the area.

Basotho men also bring their “girlfriends” to the North-Western mines and, in accordance with cultural practices, hire them out to their ethnic

A highly profitable side-line involves commercial sex trafficking of young girls or even children to service the needs of both contract and more permanent members of the Marikana and abutting mines, most of whom are inevitably male.

co-workers. Here again we do not have exact information governing covert practices. Nonetheless, this appears to involve far less coercion than in the case of less fortunate women who are beaten or drugged into submission by professional human traders with their base in Musina or Johannesburg.

Many of the women working the mining shanties in the North West are also straight transactional sex workers who see themselves in a supportive capacity to their men. Generally speaking their numbers are far smaller than both transactional and trafficked women who take the shorter route across the Caledon River from Lesotho to the Free State Goldfields. Needless to say, some of these women are also entrapped by debt-bondagers before being rescued by a friend or member of the family. Unlike trafficked labour it is rare for these kinds of debts associated with prostitution to be carried over to a succeeding generation.

Labour and sex trafficking in modern day South Africa are also mutually

reinforcing, because of the development of under-serviced informal settlements forming around mining and industrial growth points which facilitate a variety of pathological and anti-social behaviours associated with narcotics, prostitution and criminality.

There is also the social upheaval caused by a continuing system of migration which leaves behind only old men and young women in the labour-sending communities of South (and Southern) Africa. Many of these young women in destitute communities are highly susceptible to deceptive human trafficking because of the burdens imposed by social existence. These include not only the responsibilities of child-rearing without the participation of a male partner, but also responsibility for subsistence farming under characteristically arduous conditions. This is compounded by casual, or eventually permanent, partners who have lost family identification, or are otherwise emotionally or physically damaged by personal experiences of the urban labour market.

In the Eastern Cape and northern KwaZulu-Natal (but also in most poverty nodes spawned by apartheid policies of rural under-development throughout South Africa) gender-based and domestic violence is endemic and one of the legacies of a migration system widely considered to have been one of the most vicious, inequitable and socially damaging in the pre-millennial world. One inevitable inheritance in the detritus of apartheid is a large pool of aspirational and frequently naive young women in these communities who make easy prey for both sex and labour traffickers with connections to the mines.

As is the case with Trafficking in Persons (TIP) in the sexual arena, trafficking takes place both on an internal and cross-border basis. Many workers, as well as their female counterparts around Marikana and elsewhere, are smuggled or trafficked from Southern African countries by labour brokers on a "open" contract basis that leaves free their eventual employers to deny responsibility for how they arrived in the workplace, its conditions and even for accidents that occur during the course of work.

At some of South Africa's largest industrial growth points, big corporations prefer, and are entirely dependent on, those who provide workers through labour broking. While there are internal regulations in place, these are seldom applied rigorously because big employers do not wish to disrupt labour supply. Labour brokers are responsible for "training" their labour, but this is again not rigorously enforced by industries that are production rather than safety-driven. The consequence is that in some of the most dangerous industries, e.g. mining and petro-chemicals refining, personnel go into the workplace – not unlike their sexual counterparts – with few skills and without basic protective equipment.

Labour and sex trafficking in modern day South Africa are also mutually reinforcing because of the development of under-serviced informal settlements forming around mining and industrial growth points which facilitate a variety of pathological and anti-social behaviours associated with narcotics, prostitution and criminality.

There are, in fact, countless contemporary cases of trafficking and of exploitation tantamount to that of the KZN-Natal sugar industry, or the North-West platinum mines, in all sectors of the economy despite political change and monitoring by the Department of Labour. In

the sugar cane industry, our interviews indicated a substantial proportion of people are trafficked from neighbouring countries, notably Southern Mozambique, by opportunistic labour brokers whose practices are reminiscent of their sadistic counterparts in other parts of the world, including, but not necessarily limited to, South-East Asia, the Gulf States and Saudi Arabia.

Both forced and exploited labour, if not slave labour, continues to persist in its use of men, women and children in the less regulated sectors of an economy which, despite political transformation, remains one of the most unequal in the world. This necessarily embraces the informal and often underground segments of the economy as well as an agricultural sector that remains deeply conservative, often racist and resistant to the transformative urges of government policy to bring about meaningful land reform since the advent of political democracy.

This includes small, isolated farms in the Northwest, Mpumalanga and the Free State where labour practices are difficult to monitor, as well as large-scale commercial agriculture in many places such as KwaZulu-Natal. In the latter, the sugar industry, considered by some as the birthplace of the modern labour movement, remains notorious despite the unionisation of an approximate 5,000 milling workers. Outside the fourteen sites where these relatively favoured workers are employed, an estimated 74,000 people still labouring to plant, weed and harvest around 430,000 hectares of cane for about one US dollar per day.(3)

Some brokers moving into the labour “gap” deal in local all-purpose workers, some with migrants for the mines where they account for, according to some reports, some 50 percent of labour previously handled by TEBA. Needless to say, miniscularly few register with the Chamber of Mines (if their business is mine-workers), or, for that matter, with anyone else. This includes many underground, illegal and opportunistic individuals and small to medium-size fly-by-night “employment agencies” working at, or beyond, the narrow boundaries between sub-contracting and trafficking in persons.(4)

The relationship between contractors and mine accidents has not been firmly established despite allegations. Contractors are not necessarily less skilled or more cavalier in their safety attitudes, especially if they are experienced but retrenched workers. Labour brokers also align their recruitment with the skills requirements and cultural prejudices of the client mines. Thus, platinum mines in the North West needing drillers will often get Xhosa contractors because of the entrenched myth that they are strong in dealing with the dangerous conditions at the rock face. Similarly, Swazis are assumed to work safely with equipment because they “are technically proficient” relative to other ethnic groups.

Some of the opposition to the system nonetheless reflects growing concerns in many quarters that contracted labour is less skilled, less safe and sub-optimally productive. Some labour brokers offer basic safety induction training, but at a cost to the unemployed (which is a contravention of the Occupational Health and Safety regulations). Many mine managers and the

Minister concur on the fact that “the bulk of work-related accidents and fatalities (are) attributable to the flouting of occupational health and safety measures mainly where operations are conducted by contracted employers on behalf of someone else”.

Having said this, contractors are often “persuaded” by their supervisors to enter hazardous areas where permanent workers will not go (and do not have to go under existing legislation). We came across constant complaints by contractors about having to also work dangerously long hours without appropriate overtime pay because of fear of dismissal. This is especially prevalent among desperate foreign workers who make up a rising proportion of the contractor ranks, who are especially sensitive to being sent back to joblessness and will, in the words of one contractor “take anything that is given to them by the bosses”.

There are allegations that some mines evade statutory obligations that guarantee equality of health treatment to their entire workforce. While some labour brokers hire contractors from areas abutting client mines as a matter of convenience, others will bring in labour from very distant areas, including across the international borders. Because contractors are, in any case, short-term labour, they are normally not designated for the family-type housing now found on many mines. In fact, special areas that are typically the poorest are assigned to contractors since they are unlikely to complain anyway.

Labour broking as we have stressed is not necessarily human trafficking, as alleged by COSATU and the labour movement, but can become trafficking and is easily convertible to human trade depending on the unscrupulousness of brokers and end-users, the nature of demand in the market, the availability of men, women and children desperate for work under any circumstances, and, in the last analysis, the capacity of the Department of Labour to monitor its own laws and regulations. Illegal, and even a proportion of registered, brokers often violate with impunity the basic labour requirement to follow up on remuneration paid to the clients, their workplace conditions or even their safety.

Many brokers and contractors fail to equip workers with basic physical protection equipment under the national health and safety laws. Since employers are often equally unenthusiastic about buying helmets, body-guards and expensive gloves essential for high risk work, many brokered workers are faced with extremely hazardous workplace conditions without the proper attire. Needless to say, illegal brokers also deal with highly vulnerable and highly manipulable irregular migrants coming across the borders, some of whom seek out mine work and who are then partially protected by licensing linkages between TEBA and the Immigration Act.

Labour broking, in other words, creates a disposition to human trade or, to put it another way, an enabling environment for trade in persons. This is especially pronounced, if not exceptionally so, in the formal as well as vast illegal mining industry in the Free State, Barberton (in Mpumalanga) and mines on the East and West Rands of Johannesburg. Mine management at many sites throughout South Africa is, according to some accounts, intimately involved or (complicit by default) in allowing illegal mining of gold residues which, if small in individual cases, adds up to billions of Rands flowing into highly organised international criminal networks.

There is substantial evidence that many of the “zama-zamas” (illegal miners) are young teenagers filtered into the shafts by labour brokers who work the employment market and care nothing about workplace conditions.⁽⁵⁾ This is assisted by the fact that mine management often knows little and cares less about what goes on at the rock face from which they are insulated, certainly in the larger mines, by poor communications and multiple levels of bureaucracy. This confers enormous power on corrupt supervisors and people at team leader level to negotiate contracts with illegal miners, brokers and traffickers who represent the public face of transnational criminals.

Illegal mining, whose massive casualties are excluded from the official statistics by a mining establishment which largely pretends its non-existence, takes place in many areas where there are relatively large residual and easily accessible deposits of gold-bearing ore. Typical of these but by no means confined to them, are the Free State goldfields where mining frequently

takes place in relatively shallow but interconnecting underground passages that are virtually immune to being barred, even with advanced technology. (6) Attempts to prevent intrusion into these areas by rogue miners have been largely unsuccessful, mainly because of connivance between regular miners and their illegal counterparts. The result is a huge if immeasurable trade that embraces employees and officials of the mines in the area, local criminal organisations, and international syndicates working cross-border, particularly in Lesotho, Swaziland and Southern Mozambique, to filter half-processed gold into the international markets.

Labour broking and human trafficking is at its apogee in these places. Many, but by no means all, of the illegal miners who sometimes live a troglodyte existence for months underground, are imported from abroad – meaning as far afield as Zambia – either through paths along mountainside areas that have proved resilient to cross-border operations by the SAPS, the SANDF or the Royal Lesotho police or, more directly through the official but eminently corruptible Caledon River border post. Most are deceptively recruited much along the lines of their relatively more legal counterparts, infiltrated underground and then restrained under coercive conditions to mine and then process gold using primitive techniques that both maim and kill. This then is sent to the surface through dozens of imperfectly closed routes that are the legacy of the apartheid era when dying mine companies could simply place a slab of concrete on the earth and walk away.

There are also women and children who have been induced into the shafts and who effectively work as sex slaves to the reclusive miners, many of whom have formed into armed factions and ethnic gangs who periodically murder each other. Occasionally, it is said, miners emerge above-ground to entrap women walking the streets of Welkom despite the intrusion of mine security forces who supposedly work the shafts using what a senior executive in one gold mine has deemed “humane methods”. Most certainly there is a thriving commercial trade in foodstuffs and liquor going down into the underground where it is sold at vastly inflated dollar-linked prices. The SAPS are almost entirely non-involved because the mining companies doubt both their capacity and public accountability.

Much like their legal counterparts, illegal miners are normally brought to the pit-heads by labour brokers in taxis so as not to attract public attention, or themselves seek out labour broker-like traffickers known to congregate at transportation points or in the hostels that still surround the mines in various towns. The taxi route across the South African- Lesotho border spreads into the Eastern Free State and is notorious for dispersing young men from as far as Mozambique, Zimbabwe and Zambia into criminal mine networks in the Free State, the Northern Cape as well as the West and East Rand areas of Johannesburg. (The Barberton illegal gold mines in Mpumalanga are largely serviced by Mozambicans and Zimbabwe citizens).

Most of the miners – or “zama-zamas” – have never worked underground before, but seek to do so as a traditional rite of passage. This renders them highly susceptible to labour broker propaganda circulating in the destitute communities of the Lesotho Highlands (and other places). Typically this includes pictures and videos of comfortable underground bunkers, piles of cash and well-stocked tuck shops that have been established by entrepreneurial “caterers” with connections to above-ground supermarkets in the mining towns.

It is a well-known fact that illegal miners pay facilitators, normally between R6000 and R8000 to be taken down into the shafts. This is normally “credited” to their account and discounted against the value of amalgam (the partially processed mix of precious metal and rock) brought up to surface at a later stage. Underground illegals also pay massively inflated prices for food and liquor – often 20 times the market worth - during a sub-terranean existence that may last a year or longer. During this period they are often literally worked to death or even tortured by “team leaders” with an eye to productivity. Generally speaking they cannot leave the shafts until they have fully paid off their “introduction fees”, costs of subsistence, as well as various “penalties” for endangering safety or damaging equipment. Many, in fact,

There are also women and children who have been induced into the shafts and who effectively work as sex slaves to the reclusive miners, many of whom have formed into armed factions and ethnic gangs who periodically murder each other.

never leave the shafts for fear of arrest for violation of mining and immigration laws or, in some cases, for fear of their lives at the hands of mine security personnel. In virtually all cases, this slave system is supported with the connivance of legitimate mine workers who sell drilling equipment and intelligence regarding ore deposits, supervisors who market explosives, and in some cases, middle to high level managers connected to the local agents of transnational organised crime.

The zama-zamas, or more particularly, their leaders, are often highly regarded in their origin and adopted communities where they are seen as successful entrepreneurs and even heroes, working to address inequalities in the mining and minerals industries. One consequence is that the few mines who have dedicated themselves to eliminating illegal mining as a cost to business and a safety risk no longer employ mainstream law enforcers in favour of their own security personnel- security “contractors” who “sort out” the illegals. This is frequently supplemented by highly sophisticated technology to control the points of shaft exit and entry.

This has partially worked to address “normal” and trafficked forced labour into the underground mines. Otherwise, there are still thousands of young men (and women) who remain underground slaves, working interchangeably as miners, sex slaves, cleaners or even cooks and caterers below surface. Some women work the shafts as providers of transactional sex which can command relatively huge fees given the inflated underground economy, despite the fact that sex-workers generally display little appetite for this kind of work given its incipient dangers. In the meantime, both trafficked and “normal” illegal mining still accounts for billions of Rand lost in gold amalgam and other precious ore residues obtained from community sources. G-Hostel in Welkom is notorious as an illegal smelter, approachable with caution from the nearby police station. Its officers can easily be seen observing the smelting activity which results in a going price of gold at R250 to R300 per gram.

Straight and unapologetic trafficking of labour is especially concentrated in illegal mining operations. These are in turn located in the Free State

Goldfields, in the Northern Cape and in old gold mines in Mpumalanga. Women are rarely trafficked into the mines for labour purposes because of their supposed physical unsuitability, but make up, as far as we know, a fair proportion of people, including children, whose sole underground job is to provide sexual services.

Much like many places in Latin America that have a prolific artisanal or illicit mining sector, there is substantial violence, specifically sexual violence, directed at minors and children who have been entrapped into narcotics addiction and slave labour. Many of the dozens of miners known to be killed in illegal mines are also in the maze of stopes as a result of deception into profoundly dangerous work from which there is no physical exit in the strictest sense.

It is our experience, after a decade of involvement with research in the mining industry, that hardly anyone at the rockface has willingly chosen to work underground in a mine. The hard reality of migrant contractors hits home once they are off the bus, given an “induction” course of varied length (but which may be limited to little more than warning them that their future depends on production performance), a few basic safety tips and then conveyed down into the mine. There is nothing like the extensive initial training given to Canadian or Australian miners which prepares them for the traumatic experience of being put into a cage and then finding oneself in the dark bowels of the earth with little more than a shovel.

There is, in fact hardly anyone at Marikana – and this after dozens of interviews – who, at some vague point in their adolescent development seriously envisaged subterranean mine work as their lot in life, even in cases where their fathers, members of their family or those in their social networks had sometimes been involved in mine-work for generations. This is not something romantically handed down legacy-wise from father-to-son, as middle or higher management sometimes describes it. On the contrary, research conducted among families of some of the victims of Marikana indicate that those who had contacts who did underground mine work were the least likely to want to relive what their predecessors describe as a continually

dreadful experience entailing what some of our more eloquent Marikana workers term “3D-work”, i.e labour that is dirty, disgusting and dangerous.

State institutions in the area are impotent in the face of this human exploitation to which mine management turns a blind eye. As is the case with victims of human trafficking in other parts of South and Southern Africa – one of the Big Ten routes in the global slave trade – contracted labour and young women whose human rights are grossly violated are reluctant to complain for fear of physical violence, least of all prepared to stand witness to crimes of this nature. In many cases young people who form the bulk of populations trafficked into mine labour worldwide, are not even aware that they are part of what is, for the perpetrators, a productive system working in tandem with more conventional, visible and formal systems for using labour.

There are certain similarities between legal and illicit mining that are often ignored by an extraction industry which punts the one and denigrates the other.

In both cases, new miners or “novices” are expected to fend for themselves with very little guidance from anyone, except “home boys” who provide a point of identification. In both cases there are formal codes governing behaviour in the workplace – deemed rules and regulations in the formal sector. The operational relevance of these however stems from conventions that have little to do with rules in the rule book. Metaphorically-speaking these are left at the top of the shaft as the miner descends into a netherworld that works according to its own logic and rhythms. These may (or may not) coincide with, safety principles vaguely embedded by surface training whose purpose is to try to entrench these often fairly unintelligible concepts into miner mindsets. But for the most part new miners are obliged to follow habits and procedures endogenous to their small team, its leaders and immediate front-line supervisors. This, and not the safety or production-speech of management, no matter how loud, is what goes down underground.

Peer pressure is enormously powerful in both legal and illicit mining environments because people work in small teams which, in the larger

mines, are often geographically isolated from each other by miles of passages through the rock. In the Marikana interviews we found, for example that although miners are treated as a large homogenous mass that seemingly thinks (and protests) alike, there are actually distinct pockets of men who work together for long periods, cohabit once on the surface and know almost nobody else outside the group, even when having worked on a mine for twenty years. In illegal mining this encapsulation for a period of months can produce tightly bonded factions which, when overlaid with ethnic associations, can fuel conflicts among people underground for months at a time.

Most of the “ethnic” violence leading to mainly hidden assaults and some publicly visible deaths in illegal mining is partially due to ethnic clustering in the extreme conditions of long-term exposure to underground existence, but more usually is a case of small groups, coalescing and then breaking apart over struggles for food, equipment, women and profits. Many of the miners on the veld the day of the Marikana massacre were there because of the pressure exerted by their colleagues with whom they live, work and interact almost to the exclusion of the outside world.

Team leaders are exceptionally powerful in all of these cases and basically the tone of the mine is not set by management – as formal models would like us to think – but by what goes on among small collectives in the dark of the stopes. Safety, for example is often compromised because team leaders are pressured by supervisors to produce at often inhumanly fast rates and this is then imposed on team members. The level of safety is therefore set by the team leaders and front-line supervisors and is not, as expensive consultants suggest, compromised because miners know or don’t know the safety rules. This can work for the better or, for the worse, when miners wish to take a non-conformist or individual position. Miners, for example, are hardly ever able to exercise their constitutional right to withdraw from dangerous workplaces because the bonus is shared by the whole team and some may be far greater risk-takers than others.

The team (as human resources experts would have it) or – to be more brutal - the gang, determines how safely an individual works, how produc-

tive he works and whether he works at all. Negotiations between these units determines who becomes shaft leadership – and as the conflicts at Marikana indicate – who holds the grassroots power apart from the union recognised by management which has, at least in the past, been NUM. It is support from the team/gang that determines how people are able to work back-breaking nine-hour shifts – and even longer in the illicit mines. The team provides the boost, often with references to manhood – and it also supplies the marijuana (dagga) which enables people to simply carry on.

Team leadership is again determined informally, whatever the mine management and those down the line of command might think. The leaders are quite simply those who conform best to macho-driven rituals and who, with luck, influence and underground status, go on to become the rock-drillers. They in turn become the new class of supervisors who have largely displaced the white supervisors of old. These, at Marikana, are either promoted up the line, whether they deserve it or not, or driven from their positions by the massive urge for upward mobility emanating from the great mass below.

The use of totems to protect and motivate, much like everything else in formal and informal mining over the last twenty years, remains to be effectively explored because it is an important element governing the behaviour of miners from the recently contracted to those with many years of experience.

Reports on Marikana are wildly off the mark when they speak dismissively of miners consulting sangomas (traditional healers) in order to make themselves impermeable to police bullets. Yet these traditional healers are important, particularly for migrant workers who regularly return to places like the Eastern Cape from which they are recruited. The return, in many cases, is not only driven by the need to re-unite with family, but also in the words of many miners to “revitalise” for the hard work ahead. This involves consultation with the traditional healers and a complex process of tight physical binding - the purpose of which is to “boost” the miner, to keep him safe on his return, and where necessary to give him luck and prosperity in his general endeavours. Much the same logic drives miners belonging to evangelical Christian sects, who are violently opposed to sangomas, but

nonetheless believe in the protective qualities of smoking coffee.

All of this has huge implications for mining as it is logically conceived in the air-conditioned offices of management, or in corporate offices where the emphasis is mainly on how the mines are supposed to work according to Euro-centric concepts of rationality applicable to the profoundly different conditions of the Australian or Canadian mining industries.

Most of the drivers of behaviour that are critical for any mining organisation go unrecognised when analysts deal with the formal aspects of mining from safety to quality of product and production. When incidents such as Marikana occur, or more frequently, mine deaths as a result of accidents, mine management, often quite sincerely in cloud-cuckoo-land, is genuinely the most confused, surprised and, as the first hearings of the Commission of Inquiry into the Marikana massacre suggest, the most frightened.

Understanding of the anthropological sub-culture among mineworkers, especially those with connections to rural areas, reinforced with periodic visits, is utterly critical for the “culture change” that mining leadership has come to recognise and is important if the mines are to be transformed into something approaching a “normal” industry. Unfortunately, the culture being transposed – and not very effectively at that – is based on overwhelmingly Eurocentric principles and assumptions about human behaviour that are mainly irrelevant to the actual culture at the bottom of the shaft. There needs to be far more attention to the real values displayed by miners which often reflects a heritage far older than the industry itself, and how to align these with industrial norms that fuel business performance in modern societies.

Contractors, it should be pointed out, are not precluded from joining NUM (or any other union), but are discouraged from doing so by their brokers whose ability to provide non-unionised labour is part of their value to the mining industry. Contractors with NUM membership are usually ex-permanent employees who have been previously retrenched. For the rest, the overwhelming majority of contractors are excluded from collective bargaining processes aimed at claiming benefits that are now extended to their

permanent counterparts. This includes medical aid, injury compensation, severance pay and death benefits that form part of the package for permanent staff. On the other hand, permanent workers forming the labour elite lose all of their benefits once they are retrenched and are relegated to contract workers.

Contracted workers are also largely unprotected and therefore susceptible to many forms of exploitation reserved for migrant workers under the previous political dispensation. Under the Basic Conditions of Employment Act both employer and broker are jointly and severally liable for salary shortfalls, overtime disputes and incorrect working hours. If and when Section 82 of the Act is invoked contracted workers may also be protected jointly and severally by the Employment Equity Act if they have worked for an employer for three months and suffer unfair discrimination.

Having said this, the Labour Relations Act deems contracted workers to be the employees of the broker, irrespective of the work performed for its client. This means that contracted mine workers are entirely dependent for their benefits, not on the mine at which they work, but on the whims of the contractor. In effect, this means that many of the benefits extracted by NUM from the industry over the last ten years are not extended to contract workers, including migrants, who are, by definition, the most vulnerable in the labour force because of the impermanence of their employment.

Since 1994 forced and exploited labour in South Africa's mining and industrial sectors has been mitigated by a new legal regime which offers basic protection to workers, particularly child workers involved in harshly exploitative labour, and is, in most respects, aligned with international codes, rules and regulations. This includes, inter alia, the BCEA (Basic Conditions of Employment Act, the MHSA and the Children's Act. Nonetheless, both forced and exploited labour, if not slave labour, continues to persist in its use of men, women and children in the less regulated sectors of an economy despite political and regime change. This necessarily embraces the informal and often underground segments of the economy, as well as an agricultural sector that remains deeply conservative, often racist and resistant to the

transformative urges of government policy to bring about meaningful land reform since the advent of political democracy.

Underground in many mines there is also long-standing antagonism and conflict between permanent workers (whose numbers are declining, but who are mainly South African) and the growing number of contractors brought into operations from over the borders. This contributes to the xenophobia that has made its mark on the political landscape over the last two years. As it is, permanent workers frequently stand aside when violation of labour standards involves contractors, many of whom are last in line to receive overalls, equipment and PPE described in the Labour Relations Act and central to the maintenance of safety standards.

“Permanents” whose job security is threatened by the trend towards flexibility in the labour market are often in the front line when it comes to criticizing standards of contractor work and, in so doing, contribute to the culture of blame that lies at the heart of the failure to enhance production and safety in the industry. The crisis at the Eastern Platinum Crocodile River a few years ago mine where permanent workers appear to have taken mine personnel hostage in a dispute over the employment of contractors is a typical case of wider animosities underground. Government has been urged to intervene in order to either ban labour broking in the mining (and construction) industries outright, or to subject it to stricter regulation in order to separate legal from illegitimate enterprises.

Human rights groups and senior Department of Labour officials have labelled labour brokers “no better than human traffickers”. Both COSATU and NUM have concurred in opposition to contracted labour that can be used on the cheap. In 1995, for example, an agreement between NUM and the Chamber of Mines that “core” work would remain the preserve of permanent workers was concluded, but this went nowhere, largely because both parties failed to define what was meant as “core” mining activity. Today COSATU is opposed to the broking system which it sees as providing employers with potential “scab” labour that can be brought in to undermine strikes. NUM also continues to oppose broking because of its violation of worker

rights and less prosaically, because broking complicates its access to large numbers of presently un-unionised workers.

A number of proposals have been put forward recently to deal with the tripartite system within which contracted labourers are currently commoditised, segmented and effectively denied industrial citizenship.

Government appears to incline towards regulation that might firstly involve registration of the estimated eighty percent of brokers who remain either unregistered with the Department of Labour, or accredited with associations such as the Association of Personnel Service Organisations of South Africa (Thereafter regulation may include a threshold system where all contract workers acquire the full rights of employed persons after three months, and improved legislation to enforce equal pay and better definition of who is a “temporary worker”. Both NEDLAC and parliament are likely to review “atypical” employment in the next few months against a backdrop where laws on broking could evoke a challenge before the constitutional court.

The issue of contracted labour, it must be emphasised, is highly complex and takes many forms that impact on all involved - the broker, the client and the contractor. The treatment of contractors, for example, depends on the client (i.e. the mine) and the contractor. Although there is a competitive tendency in labour broking towards lower prices for labour, brokers differ in the premium they skim off the top. Some brokers take the trouble to explain contracts to workers, others, who are less scrupulous, do not.

While some contracting on the South African mines involves the recruitment of specialist skills to perform a particular required task, the great majority is typically cyclical-type “capacity” contracting of low-skill labour where the mine needs to either enhance production (at times of boom) or offload capacity (at times of decline). Contractors of this nature have characteristically little autonomy, poor working conditions (relative to the specialists), are not integral to the organisation, and can be laid off as economic circumstances dictate. In the circumstances, the dissemination of marketable skills in, or outside, the workplace is one route that might be taken in a

step towards enhancing the power and status of contractors.

Mines are not necessarily bound to use TEBA - which is theoretically responsible for the welfare of its workers – and some do not because their management is suspicious about quality control in the wake of economic recession, higher production costs and the increasingly urgent requirement to develop sustainable safety. In the circumstances, these informal brokers are a magnet, both for employers with leaner profit margins seeking to evade the various stipulations on employment written up by TEBA, as well as for desperate workers who cannot meet TEBA health, age or educational standards. Many male and female workers who drift towards the brokers are too young (or old) for the registered organisations with theoretically strict recruitment criteria, or people with physical or emotional problems who fail the entry tests imposed in the formal broking sector.

In the case of TEBA this includes those who fail a Physical Index Test dealing with, inter alia, ergonomic capacity, vision, heart rate and pulmonary strength (HIV/AIDS tests are not obligatory and their use is unconstitutional). A good proportion of these workers drift to illegal organisations or opportunistic individuals who target areas around TEBA offices in Phokeng, Welkom or Klerksdorp. These brokers do not especially care whether their “clients” have keen eye-sight, literacy skills or HIV/AIDS. Some illegal brokers work the villages in the rural areas of the subcontinent, where they effectively undercut their legal competitors, typically offering higher salaries on an unconditional basis. Others penetrate into the living areas for mine and industrial workers on site, often in informal settlements congregated around the shafts, and fraudulently offer deceptively high salaries and good work conditions on a “no-questions-asked-basis”.

Temporary employment services however have a fairly low level of compliance if one examines the various jurisdictions of other states, particularly in Southern and Central Africa. While there are various procedural channels that should offer a measure of protection for the contractor miner, intimidation in the real world is the order of the day, particularly among brokers who can manipulate the work permits of foreign workers and who

are not especially sensitive to labour, health or safety standards.

Barring new legislation that will doubtlessly alienate the entire mining industry, not much is likely to happen in the short-term to alleviate what one writer has deemed the “two-system dependency and control” of contractors by the brokers on one side and the mines on the other.

Effective co-regulation involving the broking industry and the Department of Labour is also unlikely in the short term because of lack of governmental capacity to implement laws to protect and empower short-term contractors. While the LRA can technically be used to prosecute contraventions in terms and conditions of employment, the authority of the Act and others in the protective armoury is undermined by the fact that contractors can easily be dismissed should they complain about their working conditions. Any new laws on broking will have implications for the entire recruitment industry beyond the boundaries of the mining sector. Yet, subject to new statutes with a proper enforcement capacity, the labour brokers will remain self-regulating and, in effect, beyond public control.

Large-scale commerce and industry, in South Africa and other places around the world, is, one should add, generally impervious to human under-development at the lower end of the supply chain. In South Africa too, organised business has disputed the allegations by the labour movement that there is a universally demonstrable linkage between broking, exploitation and human trafficking. This insensitivity is bolstered with the view that legal broking is essential to aligning employment with the needs of an expanding market.

The industry, especially the gold sector, is nevertheless heavily reliant on “lean” production to combat costs – and this means proportionately less permanently employed. There is a body of opinion in the industry that actually foresees outsourcing the entire production process in support of future profit margins. At the same time, the greater majority of mine management has little enthusiasm for provoking major conflict with the unions over a reduction of the permanent workforce. Most mines in fact prefer, where possible, consultation with the unions on outsourcing human resources leading

to what some opponents of the broking system see as a “re-division” of the workforce into a privileged core of permanent workers and a persistently disadvantaged periphery”.

In the last analysis however, contracted labour is also cost effective. Labour brokers allow mines to save on administrative staff and their support systems and it has been estimated that contractors cost as little as 10 percent of what it would cost a mine (or any other industrial organisation) to employ even a temporary employee. Under these circumstances the mining industry (as in manufacturing) is more than likely to strongly defend its current labour configuration of permanent and contracted labour in its ongoing project to maintain profit margins, cut production costs and maintain global competitiveness.

Meanwhile, the worldwide economic recession has already seen tens of thousands of mineworkers being laid off since 2009. While not all of this group are contractors or migrants, these groups and their families will be hit the hardest in a flexible global market that seldom guarantees equity and job security. Relative to permanently employed labour, contractors are relatively easy to fire and most at risk. If the contractors are also migrants they will suffer double jeopardy because of the post-apartheid inheritance of poverty, joblessness and unsustainable development in many rural areas to which they return.

Unless other arrangements are made, including greater interface between stakeholders and more substantive action by government and the mines to “normalise” a profoundly abnormal system whose origins precede apartheid and whose forms have changed little since 1994, the migrant miners and contractors are also at risk in the longer-term as marginal low-grade producers are forced to close in the face of global prices for their products, when mines come to the natural end of their productive period or as the entire industry moves, in the medium-term, towards mechanisation as a means to cut costs and enhance profit margins.

Combating trafficking inasmuch as it is interlinked with migration ultimately requires reducing industrial dependence on an oscillating but cheap workforce and often union-resistant workforce. Despite mechanisation and

the policy of some mines to “stabilise” the workforce by encouraging miners to live near the shafts, the use of migrant workers is deeply entrenched in the mining culture. Any attempt to phase out the migrant worker system as a contributory factor in human trafficking must also take into account that the cash flow from miners to their families at home remains to this day, critical for the economy of the ex-“homelands”. Despite political change many rural areas in both South and Southern Africa continue to depend on remittances from migrant workers.

Banning the labour brokers may also be unconstitutional and remains to be tested against the Bill of Rights.

Life is conceivable without the prospect of mine work by young migrant men, each of whom, it has been estimated, support ten to fifteen dependents when employed. As history since the 1960's indicates, the rural areas remain highly vulnerable to

lags when remittances fail to materialise or when downscaling and retrenchment takes place in the mining industry. Lesotho, the point of origin for miners trafficked into the Free State, has few opportunities for economic development, very limited arable land and remittances from migrant miners still makes up about 75 percent of the GDP. Similar problems apply in the case of the ex-Transkei which supports the exportation of substantial numbers of both industrial and sex workers.

The broking industry itself argues that it facilitates the entry of hundreds of thousands of marginalised workers into the formal labour market, can provide specialist skills from South Africa (and increasingly Africa) on short notice, and has the capability to mediate economic crisis by moving workers between sectors in distress and those experiencing economic growth. Some of its members ostensibly pay above minimum wages and register workers for UIF and workers compensation (but the overwhelming majority do not).

Banning the labour brokers may also be unconstitutional and remains to be tested against the Bill of Rights. What the Bill and Constitution are clear on, however, is that forced labour and slavery are unacceptable in a democratic society. Having said this, the management of these problems

requires far more energy than writing proscriptions into law, either in the form of labour, or anti-trafficking legislation. In both cases we need better enforcement of legal regimes, greater capacity for governmental monitoring through the Department of Labour, and new legislation that requires broking organisations to be more accountable and transparent in the way they treat their clients.

A system of registration with serious penalties for illegal broking or unfair labour practices (especially around dismissal) would be a powerful disincentive against brokers escaping taxation and trafficking vulnerable people into exploitative workplaces. Businesses, i.e. the end-users, also need to play their part through being more interrogative in their procurement processes, as well as compliant with fair labour standards for contract workers.

The debate over labour broking in South Africa is often conducted at the most inane of levels despite its consequences for so many people in mining and elsewhere. Many people are proud to link person-power to the job-market which is fine enough at a higher level of skills far beyond those in the bottom categories of the mining industry. Some very positive and substantial work is being done at this higher end of the market. But recruitment in the informal economy is an entirely different category and here, as we have shown, the line between assistance, skills development, placement and criminality is exceedingly narrow.

CHAPTER FOUR

Living

“There are “(many)reasons for Marikana – history, worker education and bad living conditions.....In the past Lon-min donated large amounts of money towards the uplifting of the local community but this was squandered. This is utterly unforgivable and disappointing.....If this money was spent wisely, social and living conditions could have been improved dramatically.

-Bheki Sibiya – CEO Chamber of Mines.

Quoted in Road to Recovery; SA Mining 2013.

Department of Mineral Resources:

Essential Publications.

Greater Marikana is a divided community – by race, class and the main Pretoria-Rustenburg highway running straight through the area.

On its left of this man-made bisection towards Rustenburg is Mooi Nooi, a pretty enough dorp where most white supervisors and management live along tree-lined avenues. To the right, slightly down the road, is Marikana. This is denoted on entry by a police station, delapidated trading stores, a

decline in road surface and a general hubbub that contrasts with the genteel silence in Mooi Nooi. Beyond the garbage and poor pavements lies the Lonmin Smelter, to the side and straight ahead the main entrance to the mine. To the left, among boulders scattered at will along the veld is the massacre site and the shanty town of Nkaneng with Karee shaft towering in the far distance. Just around the mine lies Wonderkop, a settlement that pre-dates the mine in history and is the “upmarket” residential area of the local Tswana inhabitants. There is some interaction between Tswana and Xhosa. There is little outside the workplace between black and white.

Housing in Mooi Nooi is formal and of fairly decent quality as befits an area designated for senior mine personnel. It also has some of the finer examples of South African wall art north of Johannesburg’s Sandton: razor and electrical wire, sensors and electric gates. Across the busy highway the habitat changes dramatically. There is some housing built under the RDP programme initiated a few years back by the then fairly new ANC government. Most people who live in these formal but poorly-built structures are Lonmin employees from the lower-middle strata of the three operational mines making up the Lonmin complex, i.e. Karee 3, Eastern and Western shafts.

Lonmin also has its own hostels ranging from a few quality units of modern design to much older single-sex dwellings where people share rooms with bunk beds in generally dreary conditions. The latter are inhabited largely by Mozambican migrant workers with, in some cases, 200 men sharing a bathroom-cum-toilet. The more modern family units, which currently make up a single row of dwellings are usually assigned to shop-stewards and other influential people, invariably associated with the NUM. We were assured there was no “politics” in the allotment of the better housing.

Only three percent of workers actually live in these on-site quarters. Some miners – as opposed to mine leadership – live in Wonderkop – where the mainly Tswana residents of the older houses have converted their small backyards into a maze of tiny shacks that are rented to the mainly Xhosa miners at about half the “sleep-out” salary paid monthly by the mine as a convenient alternative to building proper housing for its workers. Some of

these houses have electrical connections to the main house – for which the miners pay a fee, but some do not. Since this is “prime” housing for migrant workers, the backyards can be packed with a dozen or more people using toilet facilities and sleeping in shifts as the day takes them.

The great majority of workers therefore gravitate to the Nkaneng which has expanded with the mining activity from a few shacks in the veld to a huge sprawling, under-serviced, filthy, roadless, densely populated and environmentally anarchic shanty settlement made up of hundreds of constructions moulded from corrugated iron, cardboard, the odd-brick, paper, blankets and virtually anything else coming to hand. Characteristic of even large informal settlements along the platinum “limb” this is life at the edge for people, but especially children, who live among the pigs, sewerage and garbage that pervades the place. This is the direct consequence of the mine’s “sleep-out” policy which means paying for the luxury of sleeping around the mine in sub-human or close to sub-human shelter.

Over the years the shacks have proliferated from Nkaneng into the surrounding veld so that there are mini-versions of the township appearing in clusters up and down the edges of the highway and further into the barren field. Some of the shacks in the area are clustered around mine ventilation shafts that provide a modicum of heat during the biting cold winter, but also spew forth noxious gases that are inhaled by men, women and children. Needless to say, the people of the shacks in Nkaneng or nearby, are beset by most of the multiple social ills of the wider Bojanelo district-which ironically contains the largest platinum concentrations in the world - along with rampant Hiv-AIDS, among a host of other illnesses associated with life in the absence of potable water and effective sewerage reticulation.(1)

There is, in addition, profound joblessness in these communities that defy the promises of a democratic government to provide a decent standard of living for all South Africans. Education facilities are also indescribably bad in line with the gross deterioration of education standards across South Africa since the end of apartheid. Ultimately most migrant miners send very little home in the form of remittances once monthly deductions have been made

for alcohol, transactional sex in situ and, not the least, paying off loan sharks and brokers who have made possible the opportunity to work at Lonmin.

At least some of these problems are a direct result of cavalier extractive activity by the mines including not only Lonmin but other large-scale mining operations that in the North-West and across the country pollute the environment and consume a disproportionate amount of what remains of potable surface water. As the recent Benchmarks Report indicates, some areas around Marikana, Luka and Chaneng Villages as well as Ikemeleng cannot even be developed, with all the political will and money in the world due to shallow mining. The whole area encompassing Marikana is ecologically degraded through carbon and sulphur emissions, much of it coming from the nearby Impala mine. Adding to the misery is extensive pollution of the water table through discharge of mine effluents which undermines the well-being of children and everybody else among the various “villages.”

The presence of the mines also acts as a magnet for a huge population influx of seriously deprived people who have few cultural connections with the mainly Tswana indigenous people, compete with local labour in a cut-throat job market and, not least, spread HIV-AIDS into a district that already has one of the highest prevalence's in South Africa. It is guesstimated through tests of pregnant women that at least a third of women in Marikana and surrounding areas are infected with the disease which, as in other parts of the mining economy, is directly associated with the intrinsic mobility of migrant labour.

Social conflicts frequently irritated by land invasions and squatting are often manipulated by still-powerful traditional authorities in the area whose power lies less in historic sanction than – as we have noted – its ability to make money from allocating labour in the mines. The leadership are often corrupt, in the pay of the mining houses and largely oblivious to the urgent need for local economic development. The permanent work force of the mines constitutes a labour elite at the top of a hierarchy in which contract labour is doubly prejudiced – by the mine which uses them harshly as cost constrainers to whom it has no responsibility, and by the local population which sees them as intruders in the vicious competition for scarce

resources. This lies at the heart of ethnic tensions between the locals and foreigners who are of Tswana and Xhosa background respectively. The peculiar convention in the mines of employing “hardy” Xhosas as rock drill drill-operators(RDO’s), who are among the best paid labour in the lower echelons, exacerbates these issues.

If this were not enough, the mine suffers from other typical features which, behind the scenes, maintain a high pitch of tension within the workplace and in the relationships between the mines and adjacent communities. As we have already noted, these include high-risk working conditions leading to many deaths and injuries in a workplace whose stopes are hazardous, dark and cramped because of the incline of the reef; poor communications between mine leadership and the workforce; a deeply entrenched culture of distrust and hostility that encompasses managers, supervisors and operators alike, as well as vicious struggles between factions claiming to represent the workforce.

In South Africa, the current census notes, one in five children is an orphan because of a mixture of circumstances including the HIV-AIDS pandemic, the impact of labour migration on family structures and, inter alia, unimaginably high levels of gender-based domestic violence beyond the control of a seriously under-capacitated, demoralised and badly trained police force. Many of the indigent households in Marikana and nearby villages are effectively headed by children as young as ten or, in the lucky cases, by women - mainly because of the long periods that spouses and partners spend underground. There are few job opportunities for women, and gender discrimination in the mines that reinforces a market for young girls and even children among sexual predators who populate the trafficking networks have already been discussed.

Globally-speaking, mines are reluctant to recognise the devastation wrought by extraction activities on the natural and social environment. Over the last thirty years however a mix of international pressure and national legislation has obliged the mining industry in many countries to concede that it makes good business sense to look after people and the ecology in the immediate vicinity of operations.

Excluding some countries where politics, conflict and mineral extraction make a lethal mix that leads to human exploitation and environmental decay, many others, including South Africa, have subsequently passed laws to support sustainable mining activity. Many of the big transnational mining houses have supplemented their traditional focus on economic capital with policies to mitigate the negative impact of mining on natural and social capital. This includes the development of creative financial models to counter adverse situations that arise when mines close, as inevitably they do, at the end of their extractive life.

The South African mining sector is in fact one of the world's most heavily regulated with regard to sustainable development, no doubt because of its cavalier attitudes of the past. Even before the end of apartheid there was a Minerals Act in 1991 that required mining companies to develop environmental management programme reports as part of the mine authorisation process. This has been further and very much more substantially reinforced after apartheid by the Minerals and Petroleum Resources Development Act of 2002 and the Broad-Based Socio-Economic Empowerment Charter for the Mining Industry (i.e. the Mining Charter), which arises from Section 100 of the MPRDA and which was formally published under Government Notice in August 2004.(2) These two instruments that together define the meaning of "sustainable development" under South African law go considerably further than largely arbitrary and often self-indulgent, and largely showcase CSI exercises of the past. In fact, they represent a revolution in what mines can do and must do if they are to carry out their core business.

Many of the indigent households in Marikana and nearby villages are effectively headed by children as young as ten or, in the lucky cases, by women - mainly because of the long periods that spouses and partners spend underground. There are few job opportunities for women, and gender discrimination in the mines reinforces a market for young girls and even children among sexual predators who populate the trafficking networks.

Mining companies are increasingly encouraged to plan to minimise adverse social and ecological impacts even prior to steady-state, in their design phase. In South Africa, there has in fact been considerable state activity since 1994 devoted to the business of designing, and implementing, a new regulatory regime where the rights to mine have been vested in the state and where mining companies seeking to mine do so as stewards acting under state authority. This is entrenched in prominent legislation like the MPRDA Act which obliges mines to obtain a “social licence” to mine non-renewable resources such as petroleum, gas and ore, and at least theoretically, the development of social and labour plans (SLPs) to which mining companies commit themselves to developmental activity both during mine-life and after closure.

All South African mines actually have to now apply for state certification should they wish to close. This is technically refused unless mines can indicate that they have complied with their SLPs and returned their areas of operation to “normality”. This means rehabilitation of both the natural and social environment to ensure ongoing life opportunities for their inhabitants. Ultimately, mines that now wish to mine have either had to convert their old mining rights to new rights in accord with legislation, or to indicate what it is they will do for the development of their workers, their host communities and their labour-sending areas if they are to obtain rights at all.

The whole issue of who and how companies obtain mining licences and, far down the line, closure certificates, is fraught with problems. There are widespread allegations that licenses are issued without legal compliance and that this type of transaction is ridden with corruption similar to that attached to awards of public tenders for state work. Hardly any closure certificates have been issued because most of the mines that come to an end have far more difficulty in dealing with opportunity-development for their workers than with rehabilitating the environment. The consequence is a number of closed mines with beautiful green areas created over their dumps but insignificant job opportunities for miners and their families who were once gainfully employed.⁽³⁾ While this is a rarity in the era of MPRDA there are still a few mines that simply cease operations, shut the mine gates, and effectively chase away their workers.

There are in fact hundreds of "orphan" or abandoned mines across the country where improper sealing of the shafts supports the eventual intrusion of the illegal miners of whom we have spoken. Perhaps more importantly, the death of a mine without provision for the future of the community, means the death of towns or those in the immediate vicinity, joblessness and large-scale destitution all-round.

Fortunately, there is growing attention to this problem in both mining and industrial circles. During the course of the last few years the annual reports of the major mining houses, including Lonmin, have tended to add a sector, chapter or even an additional report to their shareholders describing their activities in promoting "sustainable development".

The assumption of these responsibilities in SA mining, as elsewhere, is not simply philanthropy but good business practice. As a consequence many South African companies now subscribe to various international instruments that seek to blunt the intrinsically destructive impact of mining. These include the United Nations Global Compact, the Global Reporting Initiative (the GRI), the International Council on Mining and Minerals (ICMM) and, in one case that comes to mind, the Ten Sustainability Principles and the Australian Minerals Council Greenhouse Challenge.

Lonmin executives with whom we spoke, have no problem with the notion that truly holistic mining must involve five so-called forms of capital (economic, manufacturing, financial, social and natural). Translated into layman's terms, according to one of South Africa's arguably most transformed mining companies, this normally involves "integrating economic activity with environmental integrity, social concern and an effective governance system".⁽⁴⁾

Public health projects involving the prevention and treatment of HIV/AIDS among the workforce necessarily figure high on the social agenda since most mines are extensively affected by the pandemic. HIV prevalence at Impala's Rustenburg operations near Lonmin is, for example, estimated to be about 19 percent. Awareness training, voluntary counselling and testing

are normally the key components of disease management in the HIV/AIDS area since the infrastructure to deliver ARV drugs on the mines is often insufficient. While Anglo Platinum has won awards for best corporate HIV programmes (e.g. the Khomanani Excellence Award, 2005), mining companies are also obliged to address other opportunistic diseases such as TB through better sanitation and nutrition policies. The incidence of malaria in parts of Northern KwaZulu-Natal is reported to have fallen by almost 90 percent following BHP Billiton intervention.

The industry has, to greater and lesser degrees, assumed major responsibility for housing, education and economic upliftment programmes that have infinite forms of expression. Lonmin and Impala, among many other major mines, have a housing policy in place that involves downscaling hostels, upgrading company houses and recruiting locally in order to assist job creation and reduce hostel use. Burnstone, one of the few newly-opened goldmines has a local community with a 66 percent rate of unemployment, and, like many other companies, is focusing on local enterprise development.. Less dramatically, if no less importantly, Aquarius, one of the smaller platinum producers up the road from Marikana, has created jobs through kiwi fruit and citrus production. AngloGold Ashanti runs a number of agricultural support programmes in its labour sending areas of the Eastern Cape.

Unions, the poor, government, enlightened corporate personnel and industrial strategists have all fed into what today amounts to a major investment by the industry in sustainable development, or at a less grandiose level, projects that assist rather than harm people or communities involved with mining. Most South African mining companies (excluding a smallish but unscrupulous minority), are committed to continuous improvement of their environmental and social performance – and are prepared to make substantial investments in developing natural and human capital. Anglo Platinum, for example, already allocated more than R50m per annum to support its social upliftment programmes some years ago. BHP-Billiton has a transformation charter that commits the company to exceed the legislative requirements of the MPRDA by allocating 1% of pre-tax profits to social development projects administered through the BHP Billiton Development

Trust. As long ago as 2006, the AngloGold Ashanti Fund allocated money to 75 projects. In 2006, Impala Platinum, Gold Fields and Harmony spent R14.5m, R17.7m and R8.4m respectively on social investment.

Following the 2008 Escom blackouts, the industry has been forced to rely on 90 percent of its energy allocations from the national supplier – and has managed to do so by simply reducing energy wastage. Anglo Coal has subsequently invested almost R10m in energy efficient projects across its operating collieries, including the replacement of all incandescent light bulbs with fluorescent lamps in mine village housing, the use of eco-lights underground, and training “energy champions” to educate personnel in energy efficient projects. Anglo Coal also plans to reduce its energy intensity by 15 percent by 2014, reduce its own energy costs by R1.4m annually and reduce the carbon dioxide released into the atmosphere by almost 10,000 tons per annum. Both Impala and Anglo Platinum have also responded to South Africa’s energy crisis and to global warming through use of environmental management systems compliant with the ISO 14001 international standard – this aims to minimise their environmental footprint through prevention of pollution, compliance with environmental laws and continuous improvement of environmental performance.

Sustainable development, as it is understood in South Africa and elsewhere in the world, also involves a process that requires continuous monitoring for human and social development through the entire mine life cycle. The Global Reporting Initiative (GRI) guidelines of reporting sustainable development is increasingly used by the major companies following the recommendations of the Second King Commission. Companies have also been encouraged to become more transparent in reporting their social and environmental policies through the JSE’s Social Responsibility Index which showcases companies which meet a rigorous set of criteria governing the so-called “triple bottom line” of economic, environmental and social sustainability (as well as corporate governance). This work of the stock exchange is supplemented by an increasingly dense network of activist monitoring organisations in civil society using independent systems to track the mining of non-renewable resources, carbon emissions, climate change and the range of opportuni-

ties for the historically disadvantaged in a new democratic South Africa.

In the North-West platinum industry there have also been developments along these lines, including the agreement concluded between Impala Platinum and the Bafokeng tribe in 1999 whereby the latter secured the company mineral rights for 40 years, which provided for royalties to the tribe and made the Royal Bafokeng nation shareholders in Implats. In 2007, the RBN's royalties were converted into equity and the Bafokeng, rumoured to be the world's richest "tribe" are now one of Impala's biggest shareholders.

In the unlikely event that Lonmin operations were to close tomorrow, most people, not only in Marikana but across the North-Western Province, would be cast into poverty and joblessness. This applies especially to migrant workers from the Eastern Cape. In the event Lonmin is one of the majority of big (but not most junior) mining houses whose national and international visibility and desire to comply with the law leads it to implement a range of developmental activities that try, if not always successfully, to come to terms with the poor quality of life in and around Marikana. This has, as we have noted, a number of manifestations. Lonmin is not an exception to this rule. The company has installed a cutting-edge clinic on its property which services miners and their dependents. (The Andrew Saffy hospital, as it is known was also the recipient of many of the injured following the August 16th massacre). A school has been established in Nkaneng which has now been handed over to government management. Lonmin machinery ploughs the streets and removes human waste to a large sewage plant.

Lonmin has also planned for a R1.5m hydroponics plant designed to provide employment to ex-miners, women and other community members, but for various reasons to which we will allude below, this has failed to take off. Lonmin management,⁽⁵⁾ as is the case with most mining managers, nonetheless adheres to the view that providing the labour force with skills is important if not always essential to the alignment of the local mining industry with international standards. Most managers, those higher up the corporate scale in the big companies, and the sustainable development executives are also sufficiently astute to understand that a healthy workforce is a produc-

tive workforce and are therefore concerned with public health standards both in the mines and in surrounding communities. Since neither skills nor public health objectives are achievable without deeper social change it is essential, so the argument goes, to promote community development. This means better housing, education, services, security and a host of other attributes that define the common good.

South African mining, it is now said, is in the forefront of industrial actors who “have made huge strides over the last ten years to become better corporate citizens” by dealing with the historically softer environmental and social issues of the mining business. (6) There is a general recognition today that mining has massive environmental and social obligations that form part of the responsibility of the mines to wider society and that, for the most part, it is in the interests of mines to become more deeply involved in the affairs of those communities that provide their labour (or are affected by mining activities). Given the social problems inherited from apartheid, the industry may have in some respects an even stronger focus on developing human capital than the other major mining nations such as Canada, the United States or Australia.

South African mining, it is now said, is in the forefront of industrial actors who “have made huge strides over the last ten years to become better corporate citizens” by dealing with the historically softer environmental and social issues of the mining business.

Why then are there such inhumane conditions in and around Marikana and other communities across the platinum belt? Why are the great majority of near-mine communities across South Africa such squalid and profoundly under-developed settlements beset by virtually every known social ill? Why, when Lonmin claims to have won international awards for servicing the needs and sustaining the lives of 160,000 people made up of miners and their families is there such anger and resentment among miners and their families about conditions both on and off the job? Do big South African companies actually have the so-called “social licence” to conduct extraction activities in quite the way that their sustainability reports suggest? In the last analysis, how effective is the sophisticated legal regime

set up to promote development, not in the annual reports of the big companies, but measurable by actual impact on the lives and opportunities of people at the grassroots?

This is an extraordinarily complex set of questions and there is no single answer. A number of initial points should be noted in assessing the developmental background against which industrial protest, violence and deaths along the line of Marikana take place.

First, if not necessarily foremost, most of the few “successes” that the mining industry have had in promoting development – let’s forget sustainable development for the moment – take place against the background of a very low baseline and long history of exploitation and neglect that conspire to make current achievements seem more meaningful in many cases than they actually are. The South African mining industry has indeed registered many improvements in the way that workers live and function in the fifteen or sixteen hours off the job, but this is relative, recent and fairly minimal when measured against the activities organised around community and human development in mining communities throughout the modern mining world.

The notion of “sustainable development” is in itself contentious. It may, for example, be seen narrowly as long-range corporate responsibility involving better houses, health service or infrastructure for mining staff. Or, in its widest sense, sustainable development may be seen as an almost reparative antidote to alleviating mass poverty and righting social justice within which mines, governments, non-governmental organisations and communities act as key players.

”Higher-end” sustainable or community development thus involves challenging oppression and tackling inequality in a purposeful, comprehensive and action-oriented manner. Somewhere along the spectrum is the International Mining and Minerals Council (the ICMM) among whose core principles are the requirement on mines to develop mining towns, settlements or habitats to levels of social, economic and institutional excellence, continual improvement in health, safety and environmental performance, the need for

bio-diversity and integrated land-use planning and, perhaps above all, respect for values, cultures, customs and fundamental human rights in the conduct of mining activity. (7) Seen against the backdrop of these criteria the track-record in South African mining, if we might say so, inclines to the minimalist.

At least part of the reason for the under-development of places like Marikana and the dozens of communities of similar ilk reflects the fact upon which we have already commented on describing poor standards of safety in the workplace – i.e. that in most, but not all, South African mines, issues of human development do not occupy the top rungs of the organisational agenda. Put another way, the ethos of sustainable development is still not firmly embedded among decision-makers and other key stakeholders in mining life.

Why then are there such inhumane conditions in and around Marikana and other communities across the platinum belt? Why are the great majority of near-mine communities across South Africa such squalid and profoundly under-developed settlements beset by virtually every known social ill?

This includes senior management, with certain rare exceptions, the majority of mine managers whose eye is on reaching production targets and for whom “development” is mainly a bother, shareholders who are less than ethically minded, and as Marikana suggests, even top union leaders whose primary concern is to obtain for themselves a piece of the highly lucrative mining pie.

Most of the big companies do not consciously avoid legal compliance in the broad sense of the word. But when they comply, and again there are exceptions to the rule, they tend to obey the Mining Charter and MPRDA in all kinds of circumventive ways. The purpose, as many developmental theorists note, is to create the appearance of efforts to alleviate poverty and improve the lives of people behind the rhetoric that the company “cares”. (8) This is entrenched in a major public relations apparatus behind which there is little social consciousness. In reality, as we have found out after a decade doing development work in the industry, many of the programmes are “spray-and-pray”, “mickey mouse” or “tick-box” interventions meant to meet the bureaucratic requirements of the regulators.

Far too many projects also lack coherence or linkage geared to job-creation and skills transfer after an initial financial investment. “Consultants” with varying degrees of professionalism are frequently called in to work through the subsequent mess and when they do so, they work largely with mid-level management whose superiors have little time or interest in “soft” activity. Many, but by no means all, “sustainable development” managers are co-opted into the work because they have no discernible ability in mining. In many companies responsibility for “safety” is attached to “sustainable” in order to legitimise the existence of a cost-to-company executive. Key performance indicators of community development activity, as opposed to production, are a rarity.

We understand that mining companies are commercial organisations. Profitability and sustainability clearly require delicate trade-offs irrespective of legislative injunction, ethics or the feeling in some mining circles that the industry is being targeted for its historic reputation. Rehabilitation to address the rapacious environmental footprint of past mining activity is expensive, may (or may not) address the current problems of communities, and needs to be dealt with in an integrated manner based on modern management techniques that reflect the interests of all stakeholders. Thus, a report on sustainability and transformation, put together in 2007, notes that while there is a considerable degree of environmental impact associated with most mineral exploration, mining and mineral-processing activities, it is important that a balance is struck between minimising negative environmental impacts, operating to the economic benefits of local and national communities dealing with the legacies of the past” and, not the least, plain business interests.(9)

In the wake of the human difficulties brought on by Marikana, there is also increased emphasis on mechanisation which will, almost everyone agrees, undercut efforts to reduce wage disparities, create jobs and address the bigger problem of embedded structural unemployment. Albeit only 10 percent of mines are “mechanised” on average at this point, these contradictions are particularly sharp when recession takes hold, when profit margins are slim – as in platinum – and when the industry is caught in the cleft

between the regulatory regime and its own financial interests.

While no mining company is likely to disobey legislative provisions that oblige it to invest a proportion of its money in SD, there is still, we believe, a need to identify and use mechanisms which enable meaningful dialogue across the fundamental divide between the relatively short-term financial interests of the mines and the longer term survival agendas of employees, labour-sending areas and host communities. Companies should also bear in mind, as international experiences shows, that host communities have varying interests or concerns. They may not want sustainable development; they may be interested in survival, economic benefits and enrichment, they may wish to stay as they are after the end of mine life or even to move away and start over elsewhere.

Most mining companies lack the key ingredients of will, knowledge and skills to initiate and execute sustainable development programmes that create wealth and black empowerment at community level. The result is that while initiatives like Anglo-American's Zimele programme support over a thousand black-owned businesses, most mining companies lack the combination of knowledge, skills, interests and will to similarly back enterprise development on a sustainable basis. Except for the very largest extractive organisations, core responsibilities for mineral extraction precludes most companies from cultivating the complex networks or "funding pools" necessary to effectively support, for example, black business development on anything near a sustainable scale reinforced, as is necessary, by a comprehensive strategy.⁽¹⁰⁾

There is still no agreement on the exact role of the private sector in meeting the developmental backlog other than vague accords that suggest human upliftment should be a common endeavour between the mines and government.

In the circumstances, the industry, here and abroad, has not always felt comfortable with prescriptions such as those emanating from the ICMM or others concerned with stricter control over company behaviour. While there

are few companies in the local industry that would resist the idea that mineral extraction is logically incompatible with protection of the ecological or social landscape, many corporate leaders believe, at least privately, that the industry has the sense of good corporate citizenship and, voluntary codes of industrial practice to behave appropriately without the laws and charters that have appeared on the statute books since 1994.

There is also conflict that mirrors international experience over the allocation of developmental responsibilities between the private and public sectors, as well as ongoing problems of an inter-institutional and cultural nature.

These include the difficulty experienced by mine management on site in coming to terms with the participatory notions of modern sustainable development now emanating from corporate circles after a long history of old-style corporate responsibility. Many mine managers are more comfortable with the old-style CSI despite its have been paternalistic, condescending and generally insensitive to the importance of communities being autonomous in making their own development decisions. Others can come to terms with environmental rehabilitation but shrink at the business of addressing more complex human concerns in the process of developing or redeveloping communities.

There is still no agreement on the exact role of the private sector in meeting the developmental backlog other than vague accords that suggest that human upliftment should be a common endeavour between the mines and government. While most mining companies are sensitive to the needs of their immediate employers, enthusiasm wanes when it comes to the rights of contractors, of dependents, indirect dependents in the extended African family and, further afield, the labour sending areas from which migrants come to mines around Rustenburg and other locations in droves.

The size of the backlog in housing, health, employment and basic community services in the shanty towns that have sprouted en masse is also daunting and ultimately promotes immobilisation. As migration increased to the point where most South Africans are likely to be in peri-urban areas within a few decades, most sustainable development managers are simply

swamped by the huge number of dependent people surging around the magnet of employment that mining seems to offer. Thus many do as best they can and this is often inadequate.

Democracy has, not unsurprisingly, fuelled a revolution of expectations which poses a huge structural problem for both the mines and government.

Whereas miners would be content with the historic “bonsela” or gift in the form of money or service on a once off basis, two or three decades of the spread of education and political change has now given rise to what amounts to demands for sustainable livelihoods that go well beyond periodic financial rewards. Mining, many people believe, has access to huge profits and, as is popularly believed in places like Marikana can easily absorb the minor costs of community regeneration. This is not always true, but the mere perception creates enormous problems for the mines and evaluations of developmental performance.

Any evaluation of corporate citizenship on the part of the mining industry must ultimately take cognisance of the fact so desperately unpalatable to many practitioners, that in many cases sustainable development, or at a lower level, community development, may be impossible – no matter the CSI, time, energy, money and technologies invested by mining companies acting in fulfilment of regulatory requirements, either alone or in some coalition, with communities, specialist NGO’s and government.

Sustainable development in the mining sector, here and overseas, often lacks capacity when it comes to stakeholder consultation, particular when this involves host communities who, along with government and development NGO’s form the triad with which companies have to work in promoting effective development. Part of the problem lies in mainstream corporate and mine management, and, more particularly, in the absence of professional development practitioners who can capture, understand and strategically use the many new perspectives that arise from circumstances of multi-stakeholder interaction.

Many, but by no means all, sustainable development officers in the major mining houses are senior site managers, ex-safety officers or human resource personnel with little experience outside the core functions of production. While many succeed in doing a reasonably constructive job despite their lack of competency in the intricacies of social development, others fail when confronted by the complexity of human affairs, or, as commonly, fall back on generic and mechanical models conveniently trotted out by international agencies with little regard for local content. Similar tendencies occur at site level where responsibilities for local economic development are frequently assigned to staff who seem to be familiar with the sociology of the area, considered “do-gooders” or are otherwise extraneous to the key business of moving ore.

Social and labour planning under the MPRDA is often sketchy despite the legal requirement that mines have to detail their social and development plans in the process of acquiring a new order licence. Many social initiatives are in any case simply planned too late in the mine life-cycle despite a repetitive literature that argues time to be of the essence. Many people in the industry are now alert to the environmental impacts of mining and take prophylactic action to ensure the protection of natural capital from the start up of operations. When it comes to social planning however, there is still a tendency to see three or four years prior to closure as adequate. One consequence is poor planning – in integrating stakeholders around development “pacts”, in psychological preparation of host communities for the end of mine life, managing expectations, and in initiating the effective engagement without which sustainable development is relatively impossible.

Many of the “future forums” demanded by new legislation in democratising the planning process founder on representational failures – either because of internal competition within communities, or because mine management has neither the time (nor patience) to ensure participation by a broad range of interests. Many mines rushed for time prefer to limit their development dialogue to the unions who reflect workers’ interests, but not necessarily those of women, the young or the unemployed. Others respond to time constraints, particularly running up to closure by mixing up devel-

opment with labour restructuring issues.

There are still far too many development projects that fall into old-style community development. These include projects that by-pass communities in exercising their right to self-determination, or projects lacking in overall integration. Too many mines (and other organisations involved in sustainable development) engage in exercises with few linkages to a wider world. This includes mines who deliver training in skills that are inappropriate for the market, quick-fix training to convert ex-miners into entrepreneurs (or agriculturalists). A characteristic failure of many SD initiatives by the mines is failure to think laterally about core-projects with continuous value chains as opposed to disconnected initiatives.

Most local economic development of this character is dogged by vicious political and representational issues, poorly or non-existent forum management, triple agendas on all sides and participants who – to call a spade a spade – do nothing and care less about service delivery, least of all bigger projects envisioned by mines on their development calendar.

While the mines are the closest of stakeholders to development targets in the communities, the state sets the public policy guidelines within which the industry acts. Since the turn of the millennium, if not before, what one commentator has succinctly called the “the right to hire real estate” by the mining industry has been a site of ongoing conflict. This has been aggravated to the detriment of many communities by profoundly weak, deeply corrupted, incompetent and ultimately malfunctioning local government authorities that have been given the primary responsibility for economic development but whose performance is, almost nation-wide, abysmal.

This is especially, if not notoriously, the case in the rural areas or in places along the “platinum limb” where individual municipal institutions (or clusters deemed “district municipalities”) entirely lack the human assets, administrative systems, money, understanding and the general will to discharge their developmental functions. Communications with the local mines range

from infrequent to outright hostile and this means that mines like Lonmin are virtually precluded from doing much for their local communities irrespective of the depth of their problems.

This, we must emphasise, is not to exonerate Lonmin or other big mining companies who carry political leverage way beyond the often pathetic figures who staff local authorities. Nonetheless, people of the latter ilk, have substantial power to wrap developmental activities by even the most committed sustainable development officials from the mines into a maze of bureaucratic and procedural rules and rituals, many of which are only be circumvented by outright corruption and bribery on the part of the local mine. Since most, but not all mines, are not especially willing to become embroiled in local “politics” that saps time, energy and moral authority, many intrinsically beneficial projects around infrastructure-building and social service delivery - listed neatly for implementation in annual reports- never come to fruition.

Others are halted in their tracks by newish regulations that require municipalities to develop so-called “integrated” development plans which specify the intentions of municipalities to assist their local communities. These technically require “public participation” processes in which big mining companies are reluctant to engage because in far too many there is confusion about the narrow boundary between public needs, the personal interests of huge swathes of councillors driven by gravy-train instincts and bribe-hungry municipal officials. Local union officials are frequently involved with these illegal transactions and benefit directly from the projects that plunder the seriously mismanaged municipal coffers. This profoundly undercuts the ability of mining companies to align their developmental agendas with public agendas that have been “democratically” chosen.

In many areas mines are members of pretentiously labelled “local development forums” which, like the “future forums” include local officialdom and other key stakeholders in communities, such as local chambers of commerce and industry, representatives of the unemployed, women, the youth, the disabled or any one else who claims to have a popular mandate. Most local economic development of this character is dogged by vicious politi-

cal and representational issues, poorly or non-existent forum management, triple agendas on all sides and participants who – to call a spade a spade – do nothing and care less about service delivery, least of all bigger projects envisioned by mines on their development calendar.

One consequence that entirely escapes development planners in corporate mining is that many people assigned “sustainable development” responsibilities on site no longer bother to attend these largely pointless exercises in community participation in the developmental process, not because they are intrinsically irresponsible or lazy, but because the haphazard occurrence of these is so unpredictable as to make regular attendance virtually impossible. Many are quite justified in non-participation because the meeting of stakeholders often degenerates into hostility or sly insinuations about the representatives of corporate capital. This is often at the urgings of union people doubling as community spokespersons.

The other consequence is that mines that should be playing a developmental role, be it in Rustenburg or the coal fields of Witbank, are held hostage by special interests most of which are linked in or otherwise connected to the local branches of the ruling ANC.

In many cases, attendance at the local forum is assigned to some low level functionary from the mine who, much like everyone else at these meetings, has no mandate or authority to represent anyone. This only incenses the community further because they are forced to deal with underlings who have no power except to reinforce the stereotype that the local mine has no particular interest in community development other than to extract cheap and compliant labour.

These micro aspects of developmental work in the mining industry have, needless to say, macro impacts on the whole developmental process and what mines say they are committed to in their normally lavish annual reports.

One consequence is the spawning of a “needs assessment” industry man-

dated from people at ministerial level in the provinces who apparently know best, consultants on the make, and, down at the lowest level, local political touts embedded in “communications” work with and for the mines.

This poses huge problems for the mine management on site because they are in a cleft stick where, if they ignore self-appointed community “representatives” they are accused of circumventing the will of the people. If, on the other hand, they go with the opinion of these community opportunists, many of whom are embedded in corrupt networks of local patronage, they are obliged to support just about anything because the supposed “needs” of the people are so all-encompassing.

The eventual result is mines simply pot-shotting at development projects which are condoned at corporate level because those on site have apparent knowledge about what occurs at grassroots, which is denied to the executives in Johannesburg. Needless to say, situations arise where mines exclude this good advice and then find their projects being sabotaged by councillors, local officials, headmen accustomed to tribal kickbacks and all kinds of other stakeholders who only support the implementation of the grand planes of the local mine if it serves their personal interest.

The other consequence is that mines that should be playing a developmental role, be it in Rustenburg or the coal fields of Witbank, are held hostage by special interests most of which are linked in or otherwise connected to the local branches of the ruling ANC.

The ANC has of course run into enormous difficulties as twenty years have passed and they have found themselves utterly incapable of delivering on anything but housing and other infrastructure projects that turn to nothing, provide little in the way of jobs except for the mostly obedient party members and ultimately service the pockets of big contractors who play the field between the mines and the local government “mafias”.

South Africa is currently rife with daily protests and violence, none of which capture the headlines like Marikana, but all of which represent the ba-

sic impatience of people for an exit from poverty, joblessness and social decay of the most basic sort. The local mines which are supposedly populated by exploited workers on the one hand and saturnine capitalists on the other, are normally blamed for this – although it is gratifying to see that NUM is now post-Marikana being accused, not unfairly of being the proverbial “running dog” of mining capital. Either way the ruling party exercises its right with scant regard for the developmental plans of mines which, at least sometimes, could do more in line with grandiose developmental projects written up by staff who have never actually seen, or chosen to ignore, what happens in the real world of grassroots developmental planning, design and implementation.

Genuine consultation in the broad-sense of seeking participation with key stakeholders in developmental initiatives, and essential to the success and integrity of developmental activity is also, unsurprisingly, the exception to the rule in a climate that has seen governance increasingly mired across the nation, in financial irregularities, “tenderpreneurship” and nepotism that ultimately works against the people crowded into mining squatter settlements and hopeless rural poverty nodes whose only function is, much the same as under apartheid, to provide cheap migrant labour to service the appetites and production needs of the big mines. Because sustainable development is a side-line and not an entrenched philosophy for most mining companies forced to comply with the regulations, most mining initiatives geared to community development effectively short-circuit the complex of key stakeholders, which should ideally involve everyone from communities to the labour movement, suppliers and customers (in the case of enterprise development), training institutions, the media, and local and national government departments.(11)

Avoidance of consultation is especially the case with regard to landowners, often tribal authorities, who can be ruthlessly manipulative, troublesome and from the point of view of the mining companies, best left alone in their decline into redundancy in the face of political modernisation.

Everyone, especially the developmental “expert” kowtows to the requirements of MPRDA that all occupants of the land be informed of the impact of mining and be considered in social and labour plans before any ramp-

up work begins. In reality, there are multiple cases, some which we have personal knowledge of where mines, not unlike Lonmin, publicly commit to engage with communities on development projects, but do so on the assumption that they know what is “best” for the community. The result is that development planning becomes an ex-post-facto dialogue of the deaf in which the community, or its self-appointed leaders, simply withdraw from the essential discussions necessary for the design and roll-out of any participant developmental plan.

Many development projects initiated by mining companies have failed because of conflicting expectations around the social consequences of mining rights in this uncertain or artificial environment, because communities are disengaged in the planning of their existence during and after mine-life, or because, in gross cases of irresponsibility, companies couldn't care less about the impact of their activity on people or the environment. As indicated in the recent Constitutional Court case of the Bengwenyama people, the process should ideally begin with full disclosure of the impact of extraction on communities when the decision to grant prospecting rights is in the balance.⁽¹²⁾ Far too often this is not the case apart from a brisk announcement to community leaders about what is being planned for the positive development of their people.

Problems in the company-community nexus are also the result of the intrusive influence of politics into the otherwise semi-logical realm of human capital development. SD is still relatively new in the hard profit-driven world of mining, not only among management who often mix up the relative importance of environment and social rehabilitation to the detriment of the latter. (I have personal experience of a “sustainable development” held up to be the “model” for positive closure in both national and international mining circles which failed in the initial briefing to mention people or humanity after several dozen pictorial representations on environment and the restoration of bird life to a mined-out habitat. Eventually when we pushed the point, sixteen jobs were created after two years for hundreds of miners who were laid off in the aftermath of a mine closure).

Miscommunication that undercuts development is the name of the game even where supposedly leading edge urban consultants are called in by mining companies either because the high-power team lacks knowledge of the local language, because it lacks any familiarity with the ebb and flow of rural life or because communities have exaggerated expectations of the mine at a time when the state has still to deliver on most of its problems two decades after “liberation”. Exploited communities in a state of advanced decay are understandably susceptible to sleek mine personnel and their advisers with their deep but transparent concerns about communities sitting on vast bodies of gold, coal or platinum. Ultimately, their worst expectations come around, not only because mining interests are unintelligible or patently insincere, but because there is no end to the number of supposed community interests prepared to hijack developmental initiatives in the ruthless struggles for scarce but basic resources.

Twenty years have only intensified this situation not only because of mounting differences between rhetoric and action on the part of government and the mines, but also because there is little real consensus between these two major players over the key question of who bears responsibility for dealing with largely inherited issues of under-development in both near mine communities and at labour source in the rural areas. While two to three decades of mutual experience have to some extent blunted the confrontational edge between a once indifferent mining industry and ANC advocates of nationalisation, there is still – as we shall also see in our final chapter on post-Marikana – a vast gulf in state-industry relations with largely unresolved issues of institutional interest, style and political substance.

This is not uncharacteristic on a universal basis where dialogue between the public and private sectors over sustainable development in extraction industries almost always touches on the allocation of developmental responsibilities. These in turn impact, often negatively on designs for SD agendas programmes, their implementation and overall practice. In South Africa, however, sustainable development issues almost always involve contention over social justice, historic slights, and human exploitation which goes, according to one commentator, to the basic “face of capitalism”. Even though

most mines have managed to secure near order rights, this has been a painful process for both government and the industry, some of whose major members have opted for somewhat less than legal courses based on cosmetic programmes of “black empowerment”.

Both industry and government continue to lock horns over such issues as mining licences and certification for closure where the governing rules are mostly unclear. Albeit the system is still relatively new, hardly any mines have actually achieved certified status (and thereby official recognition of their rehabilitative efforts). This is either because the social and labour plans now required by law are often poorly designed and monitored or, in most cases, because the Department of Mineral Resources lacks the specialist human capability necessary to make an informed judgement on the quality

of closures that have (or are taking) place.

One indirect consequence of Marikana is that a number of mines will be forced to close in 2013. This is not because of the massacre per se, but because of the massive disturbances in mining that will cause owning companies to revisit both the cost and convenience of cheap labour.

Having said this, closure is very much on the cards for the industry in a manner that is likely to raise the natural and human stakes in sustainable development in the new future. While new shafts are being sunk all the time, many others are designated for closure within

the next five to ten years, especially in the coal-mining and, to a lesser extent, gold-mining industry. This is especially the case in the centre of current coal-mining industry, around Witbank which, it is estimated, will disappear incrementally over the next two to three decades. While it is anticipated that the industry will re-invent itself in the Waterberg area of Limpopo, this development has enormous and potentially negative consequences for people in the smaller towns of the Emalahleni area who are either partially or entirely dependent on the presence of the mines.

The once prolific Free State gold mining industry has already shrunk radically around Welkom and there are some indicators arising out of this

experience that can be profitably used to address closure and generate development in other parts of South Africa. Massive social dislocation in the area is a clear warning that if sustainable development is not taken seriously by the industry from the start-up phase of any mine, it is exceedingly difficult to make up for lost time much later. This is at least partially because of the magnetic attraction of mining settlements for unemployed people, the consolidation of migrants around production points and the proportionate expansion of the development challenges that mines have to manage.

One indirect consequence of Marikana is that a number of mines will be forced to close in 2013. This is not because of the massacre per se, but because of the massive disturbances in mining that will cause owning companies to revisit both the cost and convenience of cheap labour. We have already talked about the impact of contracted labour as well as a number of other factors including declining profitability. Mining involves the extraction of non-renewable resources with the consequence that every mine has a finite life and then closes. Mine closure, is in fact, the culminating moment, both in mine-life and in the sustainable development process – unless provisions have been made for its workers, five years prior, or ideally from the moment the mine becomes steady-state.

While some form of development can always be initiated as long as there is mineable ore which can be sold at a price to justify its extraction, there are always declining financial and human resources available for development as closure looms. Budgets become tighter unless closure planning has effectively provided for the liabilities involved in closure and because there is less to mine. In many cases little is left over for social rehabilitation after the costs of doing critical physical work such as shaft-sealing, infrastructure demolition, dump contouring and re-vegetation.

Mine management, never at best patient with human development world-wide, becomes eager to end closure and return to their comprehensible core-business of moving rock at some other site or operation in the asset pipeline. Communities whose livelihoods depends partially or entirely on the presence of mines on the brink of extinction, become more desper-

ate, frustrated and aggressive - unless, once again, development policies have been designed in the operational phase that allow, at least, in an ideal world, a seamless passage from mining activity to post-closure existence.

There are some remarkable international success stories involving sustainable development, prior (or even in some cases, post-closure) that South African mining can capitalise on – subject to the proviso of selective trans-plantation with due regard to the indigenous financial, safety, legal, community and technical factors governing development in South Africa.

There are also many cases where developmental efforts of well-motivated South African mine managers have gone seriously wrong as a result of many already mentioned factors.

Unfortunately, much as is the case in the wider realm of sustainable development, there is no one universal formula to ensure this type of transition which, in South Africa and elsewhere, is impacted upon by a multiplicity of factors, some generic to closure world-wide and some others peculiar to South Africa. The timing of closure, for example, is always problematic and unpredictable in advance since it depends not only on the size of the remaining ore body, but its quality and, ultimately, market price. Closure in South African mines is therefore closely linked to currency fluctuations. In South Africa too, trusts are often ineffective as vehicles for adequate financial provisioning when a mine plans premature closure.

The jury is still out as to where we have gone with mine-driven sustainable development when it comes to a supportive policy environment, sound technologies for environmental conservation, poverty alleviation and enhanced participation by the historically disadvantaged. Some observers advocate greater capacity-building for governmental and non-governmental structures to prevent mine-driven sustainable development being confined to pockets that reflect the relative strength of the regulatory regime on site and at local level. Communication and engagement across class and cultural lines remains an outstanding challenge in bringing stakeholders together. In some circles on the left of the political spectrum there are demands that

the regulatory regime be tightened despite the fact that the Chamber has “pledged” itself to ongoing developmental action on the part of its members.

By law, mines can be closed under the Promotion of Administrative Justice Act or the dreaded Section 54 of the MHPA should they proceed to mine in the absence of a social and labour plan or, at outset, an agreement with the community. Yet “landowner accommodation” is a slippery concept, at least partially because it may not be clear who owns the land or because those representing the community lack the mandate to do so. This is especially the case where communities lack coherency in anticipation of mining rights and where prospecting companies move to exploit divisions for entirely self-interested reasons. In these circumstances mining companies need to play with far more open cards if they are sincerely concerned with mitigating the impacts of their extraction on communities they are legally obliged to serve.

Even prior to Marikana the state was in the process of finalising amendments to remove ambiguities in implementation of the MHPA at birth. In the slip-stream of the massacre with political violence spreading from the mines to the transport and agricultural sectors in the last months of 2012, there are moves afoot to toughen up on non-compliance and develop an integrated licensing policy involving the DMR along with the department of environmental and water affairs. This needs to be supplemented by more careful alignment between social and labour planning with sustainable development objectives such as land-use and after mine-life employment at least five years before closure.

Many major countries such as Canada, Australia, Brazil and India have developed (or are developing) responsible mining frameworks to assist companies improve their sustainability performance, to prepare for the inevitability of mine closure and to address the problem of orphan or abandoned mines that were products of an earlier era.

Implats, Anglo, Goldfields and just about every other big role-player in South Africa have moved in the same direction of supposedly enhancing the life opportunities of workers, the viability of communities and other people

or parties affected by mining activity (the so-called AOP's) during the operational phase of mining. Ultimately the aim is to leave what Cynthia Carroll, until recently CEO of Anglo-American has termed a "positive legacy" when mines come to an end, as they all eventually do.

Because of its size, economic impact and its position as one of the critical catalysts for sustainable development in South Africa, the mining industry has a special responsibility for ensuring that mining benefits all stakeholders, during the operational phase of mine life and when it ends. This is especially the case now that there is general consensus that the legacy of mining should not be depleted ghost towns with no prospects whatsoever.

Irrespective of moral, social and legislative pressure to inhibit this situation so redolent of our recent past, there is also a clear business case for mines to become involved in the unfamiliar realm of sustainable development during mine life or after the inevitable point when ore bodies become exhausted.

While it is part of mining tradition to simply abandon these sites, both in South Africa and elsewhere, most (but not all) mining houses are cautious about their public reputations and are not prepared to run the risk of disregarding shareholder values. The JSE Social Responsibility Index strongly suggests an inter-relationship between socially responsible practices and long-term share holder value. In the last analysis, shareholders are not especially attracted to transparently exploitative mines that mistreat, neglect or succeed in killing their labour, simply shut up shop – and in doing so, grossly fail to meet the criteria of "triple bottom line" development. Guilt by association is equally apposite for modern international investors, the majority of whom are turned off by industries racked with poverty, disease, instability and environmental disasters, largely irrespective of profits.

Despite the message of Marikana that more has to be done to develop the squalid communities spawned by extraction across the country, the first priority, at least from the perspective of companies in the platinum sector, is to ensure productive mining gets up-and-running after the serious downturn in recent years. Cost constraints should not theoretically impact on the

money, time and energy steered to sustainable community development, but there is a reasonable possibility that it will do so in a situation where mines have lost about R10billion in down-time as a result of downstream violence and unsupported strikes since Marikana. The industry, at least as far as the government is concerned, is “reeling” from a severe shortage of skills required to grow it and this means that insofar as profits allow, mining leaders will continue to focus on what goes on inside the mines rather than outside their boundaries.(13)

CONCLUSION: OVER THE RAINBOW?

“It would be wonderful for the Chamber of Mines to stand up next year and say: One hundred years (after the Land Act of 1913) we have moved towards total eradication of the policies of despotism to reclaim our legitimacy to the democratic society of South Africa”.

*– Minister of Mineral Resources
Susan Shabangu at the AGM of the
Chamber of Mines, November 6th, 2012.
Quoted in the Mail & Guardian
(Johannesburg) November 16th, 2012*

The Farlam Commission of Inquiry is about to re-open its 2013 sessions – in Rustenburg as this concluding chapter is written. Designated to operate over a four-month period in reconstructing the events of 16th August it will no doubt assign blame to some party, the police, the strikers or even to Lonmin which, is being accused of triggering the circumstances leading to violence perpetrated on its workers. This is the position taken by an amnesiac, corrupt, violent and generally directionless police force that appears to have lost documentation and fiddled with forensics. A preliminary report was expected about a month into the hearings in late 2012 but this did not

transpire because of operational problems in the Commission – that will need to be dealt with if its report is to be anything near on time. As it is, the final document with its findings will probably not emerge until the second or third quarter of 2013.

In the meantime SA remains mired in a crisis that is arguably the worst since the last years of apartheid when the country entered a state of virtual civil war. Foreign investment in the mining sector and the economy has tailed off to the point where SA is no longer the premier African destination. The wildcat strikes that followed 16/08 have clearly tempered investor enthusiasm for a country where, from the point of the investor, unions have been far too strong. Now, as NUM gives way to an anarchic situation where tens of thousands of workers are placing – their faith in a largely unknown alternative, there is an even greater concern.

The reputational costs of Marikana to a country that is struggling to develop its status as a major player in international and African circles is immeasurable in a situation where defenders of South Africa have already been taxed by both investors and human rights on issues of murderous crime in the country, endemic governmental corruption, and mismanaged public policy. Even if the powerhouse of the South African economy manages to keep the country as a strategic nation on the African continent, Marikana dramatically feeds its declining moral and political status in the world community.

South African credibility as a progressive mining country is, also more than ever, at stake in an atmosphere where international mining sees NUM, or anyone else, working far too closely with the new breed of pliant political elites who dominate the Zuma government. This, along with depleting ore resources that can be mined profitably, a gold-mining industry in the autumn of its existence, and the continued inability of our mines to manage the seemingly simple business of protecting its workers according to international standards, paints an uncertain future for SA mining's reputation. No doubt, mining will continue to contribute a substantial proportion of our GDP given our prodigious supply of minerals. Nonetheless, if we continue to mine as dangerously as we do, we will lose many lives, more credibility,

jobs and, not the least, vast amounts of money.

As a matter for the record South Africa has indisputably free and fair elections, albeit that there are signs of death-squad activity in support of the ruling party in places like KZN-Natal. South Africa has a Bill of Rights that is among the most progressive in the world and an eminently democratic Constitution. So for that matter did the Weimer Republic and the old Soviet Union. Be this as it may, international investors, upon whose capital and good words the mining industry depends at this point in its development, are increasingly wary of a country with a mining industry that seems incapable of getting its own house in order. While it is not overly cynical to suggest that the world will always invest in South Africa as long as there are profits and production margins, Marikana has produced some discernible rumblings not only in ethical investment circles, but to those who look to sustainable returns on their investments.

Faced with new business risks since August 16th, the big mining houses have been in a major, and still largely unresolvable conundrum. Rather than move to examine the structural deficiencies of the industry with the urgency they deserve, mining leadership has, after a brief flirtation with remorse, turned to the old tried and sometimes tested remedy of laying off workers to reduce labour costs in a platinum industry dogged by low prices and even lower annual production.

Production losses associated with 100,000 workers down-tooling after Marikana are, in fact mind-boggling. Anglo Platinum has lost over 190,000 ounces of platinum (valued at R2.6 billion or 300 million US dollars), Impala 600 million US dollars and Lonmin about 166 million US dollars. Losses of platinum by-products also account for a further 450m US dollars. This has effectively shaved 0.5 percent off the GDP as South Africa battles to keep its place as a premier destination for African investors following downgrades by both Moody's and Standard & Poor. The latter has also downgraded massive companies like Goldfields in the "light of increased social and political tensions" that fuel the economic backslide into a negative investment climate. The current situation is substantially worse than before Marikana

when the platinum sector was already heading into trouble with rising input costs, closed shafts and retrenchments due to weakening commodity prices brought on by the Eurozone crisis.(1)

The knock-on effects are massive, with the Rand losing 8 percent of its value. A further decline is expected because the currency market has become focused on domestic risk due to deficits on the currency equal to 6 percent of GDP that cannot be protected by hiked interest rates in a global market where investor confidence is at bottom-level.(2)

Most workers, it appears, are keeping their cards close to their chests until the current period of profound uncertainty settles and there is a sense of where mining will go, both now and after the release of results by the official inquiry into the events of 16/08.

The production losses that have led to an 11-year low in platinum output are unlikely to be made up quickly because of their enormity, the tendency of unworked shafts to cave-in or otherwise to close when unworked, the time required to make repairs and the risk of mining at an accelerated speed that could lead to accidents, deaths and injuries. A wave of industrial accidents is about the last thing that the reeling industry requires in the face of scrutiny by already cautious investors. It could take up to nine months for production to reach pre-Marikana levels, even under the most optimistic of circumstances. Even then economic growth will fall by about 0.8 percent.(3)

In the long term it is difficult to identify the impact of current developments on the mining sector. In the shorter term much depends on developments within the labour movement as unsupported strikes lose momentum. NUM might regain some of its support as AMCU fails to measure up to the organisational challenges of a massive influx of supporters far beyond initial expectations, but this is unlikely as long as mine employers continue to restructure and miners lose jobs in droves. NUM can also trade on its long experience in the forefront of labour representation, but this is not likely to carry much weight as long as a substantial proportion of its members believe that it has long since compromised its initial idealism and is not in the pocket of big mining capital.

Investors in all probability may come back after a safety period if only because South African platinum dominates the global supply irrespective of periodic political ructions. A demand-driven rise in prices will click in at some point, possibly in late 2013 and then subject to a huge complex of variables that normally influence investment decisions and are beyond the purvey of this book. Ironically, as 2013 begins, Lonmin has induced its workers back into the workplace far more effectively than its big competitors and is already doing fairly well in taking on the current supply gap along with the benefits of a depreciated South African currency.

None of this should detract from various subterranean developments that are less easy to track post-Marikana than shifts on the stock markets.

In the aftermath of the massacre and the consequent wave of industrial strikes many of the critically placed rock drillers whose behaviour underwrites operations at Lonmin have been effectively alienated from NUM. This is not only because of the violence in which union leaders killed their own members, but also because of a long-standing dissatisfaction, centred on Karee 3 but spread through Lonmin and the wider mining industry, that predates Marikana and calls into question the capability of NUM to express popular demands to management.

Mine management is currently uncertain which way to move in dealing with the fractured labour movement. On the one hand is the view that it makes good sense to cultivate AMCU because of its apparently growing supporters. On the other there is concern that without COSATU backing the nascent union will be unable to control its volatile membership should it become the foremost and, on many mines, representative union. Either way AMCU grows and careful watch is being kept by the mining companies on the tiger that has been released and will probably feed off imminent restructuring. In the shafts themselves power has largely passing from the independent workers committees established to govern labour during the height of the industrial crisis in the last months of 2012. Most workers, it appears, are keeping their cards close to their chests until the current period of profound uncertainty settles and there is a sense of where mining will go, both now

and after the release of results by the official inquiry into the events of 16/08.

Marikana appears much as it did before its rise to international infamy. The small community with no particular history seems to have settled back into the doldrums. There are no discernible signs of disturbance in the streets. Roadblocks, manned by a combination of bored soldiers and police are very discreetly located at the town limits. At the local SAPS station work continues on the construction of “5-star police cells” prominently advertised on a large board. Is this a joke or need we book for next Christmas?

The residents of nearby Nkaneng informal settlement go about their daily tasks in ankle-deep human excrement, plastic bags and mud following days of rain prior to our last visit. Corrugated boxes, scarcely big enough for the pigs and goats among the litter, serve for human shelter. All this is in sight of the towering Lonmin smelter just outside the main town. Most of the miners have now gone back to work but shiver with each daily blast of the rock face. They remember the gunfire.

In the smog-filled sunshine lie miles of newly rolled-out, squeaky clean coils of barbed wire. This peters off near Wonderkop where the local Tswana elite survive by renting “up-market” shacks to respectable Xhosa migrants, mainly supervisors and team leaders on the mine. Small Koppies, where the “additional” killings took place in the midst of huge electric pylons has become a shrine. . Everyone “goes to the mountain” on pilgrimage. Some stay all day waiting for the arrival of the media – most of whom have now moved on from Marikana.

The people of Nkaneng, except for the women who have organised a “we-want-justice” campaign, are unwilling to communicate their traumatic experience to anyone other than those they trust. This is partly because sub judice provides an excuse to avoid an obviously painful subject, but also because everyone in South Africa, particularly the mining industry, is desperately trying to wish Marikana away. Much like Rwanda for many years after the 1994 genocide, there is a portentous silence at the killing grounds ranging across the bare veld. Something is out there, to paraphrase Nadine

Gordimer, that doth not speak its name.

In Marikana itself, the situation remains unstable despite the supposedly munificent wage increase agreed to by Lonmin management after 16/08. We say “supposedly” because if allowance is made for increases already on the table as of August 16th, the actual increase amounts to as little as three per cent, depending on arithmetical calculations. Much of this has hit home at month-end when pay packets have been received with surprise and distrust by incredulous miners. Since loan sharks and brokers have also unilaterally raised their rates on the back of the “increase”, this means that many miners are even more out of pocket than before the protests.

Many of the miners in any case believe the rumour that the company accountants will manipulate the books to renege on the agreement or that the mine might still close down in the face of production losses. Since this is also a view among their debtors, the pressure on the average miner has increased, especially among migrant contractors who have been the worst placed from the outset. The result is, at Marikana and the areas around Implats and Amplats, the contractors remain seriously demoralised even as their more permanent co-workers return to work in the face of economic realities fuelled by a long and unsupported industrial action.

It is by no means clear whether Lonmin has learned much from the recent disturbances. While November saw management embark on the first phases of a “renewal plan”, one of the key elements being to mend relations with labour, clock-in devices were reportedly being moved from shaft entry points to underground outside the cage areas. This means that workers were effectively incarcerated for the full length of a seven or eight hour shift irrespective of individual circumstances. This has, according to some miners, gone in tandem with supervision to ensure that no substantial food goes down into the stopes and a re-programming of surface clock-in equipment that excludes “suspected employees” from entry. The details of these “suspected employees” have apparently been handed to police in the mine security offices with a view to laying charges for a variety of offences ranging from riotous assembly to homicide and the destruction of mine property.(4)

Following AMCU complaints and a one-day tools down by labour late in 2012, management agreed to end collusion with the police presence at shaft entry and to withhold charges until the completion of the findings of the Farham Commission. SAPS personnel were nevertheless allowed to remain outside mine gates on what is still mine property to monitor incoming miners, especially AMCU members. Arrests of key witnesses have also taken place on the road between Rustenburg and Marikana. Police still come into Nkaneng to intimidate Farlam witnesses before their appearance at the Commission and there is widespread anxiety among both local people and families of the deceased who have been brought from the Eastern Cape to testify. In the meanwhile AMCU has begun the process of monitoring working conditions since the strike and negotiating new recognition agreements with Lonmin, which according to some of its members, continues to downplay the size of AMCU supporters in the hope of gaining time to assist a NUM resurgence.

Underground the situation also remains equally tense. While Lonmin has made efforts to be seen to gradually ramp-up production with a view to improving mine safety, the bottom-line remains that thousands of ounces of platinum have been lost through work stoppages and have to be made up. Even if this is not explicitly stated by shift bosses and supervisors, it puts abnormally dangerous pressure on workers to produce on an accelerated basis. In order to ensure this, changes have supposedly been made to the bonus system to work harder for, in some cases, smaller reward, sometimes in old shafts, like the previously-shuttered Madala site which is easy to work but extremely hazardous.

Since most miners at Lonmin as well as on other mines (e.g. the Free State goldfields) are, at this juncture, still reluctant to show their support of either the NUM or AMCU it is extremely difficult to pinpoint the decline in NUM members. This is also a problem for AMCU in verifying its membership statistics and, to the delight of most mine management, effectively precludes its claim to organisational rights as majority union under present collective bargaining arrangements.

There are multiple questions, both endogenous and exogenous, that have arisen after the tragic events of mid-August 2012. Some of these will have to be answered sooner or later, with or without the findings of the Farlam Commission. These touch on Marikana, some on the nature of the wider industry and some on the state of South Africa twenty years after the advent of democracy.

To give the mining industry its due, it is at least rising to some of these challenges by trying, albeit within the constraints set by process, production and profits, to introduce changes, many of which are long-standing but still go unrecognised by the most fervent of critics. These changes are too numerous to mention, but a random selection would undoubtedly include both technical improvement and adjustments to the practice of mining that ensure enhanced safety and wellness in the workplace.

In the last five years we have kept a careful eye on mining practice and this has seen many positive developments. We interviewed many senior corporate personnel both before and after Marikana about what should be done to address working conditions of the sort that lie behind protests and industrial disturbances with the potential to fuel other Marikanas. Given the general orientation in the industry, many referred to geological, technical improvements and procedural improvements rather than programmes to change social relationships, behaviours, and habits.

Energetic efforts are being made to improve seismic warning systems, knowledge of strata control and more effective remnant and shaft pillar mining in fast depleting ore bodies. Over the last few years there are also new systems to better regulate the distribution of PPE, to establish group PPE standards in the big companies, ensure PPE is available as required and, meet quality standards. Some mines such as Anglo Plats, have also pioneered the use of safety netting to deal at least partially with the perennial problem of falls of ground. Since a third of Anglo and other mining fatalities are caused by collisions, greater attention is being given to transport and tramming, vehicle safety, better systems for controlling site access, reducing the interaction between light and heavy vehicles, as well as the use of track-

less vehicles, haul trucks and underground locomotives.

On the human side there is considerable emphasis on HIRA (Hazard Identification and Risk Analysis), improved benchmarking and gap analysis involving potential-risk accidents. Fatigue management research is high on the agenda with greater emphasis on habitat issues such as housing, the provision of food supplements and, within the mine, compulsory rest periods during shift work. Employee engagement has become the watchword in some mines whose leadership sees the flattening of management systems and employee participation as critical to building safety identities.

A small but growing cadre of highly experienced mine managers have also become safety zealots following exposure to behaviour-bases safety ideas (BBS), and there are probably more senior managers who regularly go underground to be seen and proffer advice than at any previous point in local mining history.⁽⁵⁾ Safety “champions” who have experienced an epiphany and now “walk-the-talk” in an inspirational way are still just a handful among mine managers as we have already noted: there have nonetheless been some significant changes in the management and leadership climate.

Having said this, there are at least half-a dozen key problems that can be distilled from the preceding pages, and account, at least to some extent, for the generic industrial problems typified at Marikana.

These should, we believe, be on the agenda for progressive mine managers and corporate leaders concerned with integrating leadership, culture, communication and risk-management into more optimal extractive systems.

We could continue indefinitely in this vein were there sufficient space and time available. Suffice to say that among literally dozens of strategic initiatives, some have worked reasonably well. some could have worked well with less of an eye to costs and profits, some have worked partially in enhancing safety performance, and some have failed abysmally for a variety of reasons spelled out in the previous chapters.

What still needs to be done?

The most obvious answer is that the industry needs to keep doing what it is already doing to make the workplace safer, more congenial and more remunerative for labour. Having said this, there are at least half-a dozen key problems that can be distilled from the preceding pages, and account, at

Management also does not hear because in many cases it does not care.

least to some extent, for the generic industrial problems typified at Marikana. These should, we believe, be on the agenda for progressive mine managers and corporate leaders concerned with integrating leadership, culture, communication and risk-management into more optimal extractive systems.

Marikana was at least partially caused by the failure of mine leadership to effectively engage with its workforce not only at a time of extreme crisis but also in the general course of work. Or so it is supposed by some analysts of the massacre. Either way, improved leadership right throughout mine organisations and at all levels, not just on top, is absolutely critical for effective business performance and social relationships within the workplace.

There needs to be more effective communication vertically down the line of operations, horizontally between the line and service departments, out to the workforce and into near-mine communities.

Communication weaknesses stem from the fact that with certain rare exceptions, mine management, living in its own narrow universe, lacks leadership (which is different to management) and confuses what it believes it does with what actually impacts on people literally down below. As noted in an earlier chapter, this is a major factor in the high incidence of accidents in South African mines, most of which continue to be addressed by disconnected operational and tactical adjustments rather than strategic change management.

Management also does not hear because in many cases it does not care. This is a major problem for the multiple schemes introduced by companies and the Chamber of Mines to transform the passive-aggressive “cultures” we

find in most mining organisations, into constructive values that, in the end lead to better people, enhanced safety and, ultimately much more efficient production. This relates closely to the huge and largely wasted amounts spent by the industry on so-called “behaviour-based” programmes which reflect the architecture of advanced industrial workforce of modern mining countries but have very little connection to the indigenous people conditions in South Africa. Unfortunately this has been recognised ex post facto. Many mines have simply reverted back to fiddling with their systems and writing more rules with which most workers lack the appetite to comply.

In my judgment this fails to recognise that technical risk management cannot work in improving mining conditions, human relations and entrepreneurial excellence beyond a point where behavioural and intrinsically human factors kick into play. We also need to recognise that reconfiguring organisational culture to promote greater inter-personal and inter-group trust in the mines, greater simpatico by management, mutual accountability, trust, honesty and organisational loyalty on the part of the workforce is a very long-term initiative against the backdrop of the systematic abuses of human rights in recent South African history.

In my judgment this fails to recognise that technical risk management cannot work in improving mining conditions, human relations and entrepreneurial excellence beyond a point where behavioural and intrinsically human factors kick into play.

This involves much more than the superficial “touchy-feely” programmes advocated by human resources experts and centred on diversity, multi-culturalism and “pacts” between management and labour. Those who glibly use the language of cultural reconfiguration might well take some cues from historic experiences well outside the mining industry, from the Castros and Stalins who sought precisely the same end of changing “culture” through the medium of political revolution. (6) Their failures, and others closer to home, unequivocally indicate that there are massive cognitive barriers to changing the attitude of individuals, least of all attitudes en masse. Attitudes are only one element of the system of meanings that we deem culture, and

changes in attitudes have an independence of their own, apart from behavioural change.

There is a huge amount of literature on these issues most of which those people involved in the business of culture change in mining have not read nor displayed much interest. It would be far better were mine leadership to stop posturing about largely redundant and clearly refutable notions of cultural engineering based on “whiz-bang organograms of change-management – not only because this raises ethical issues about what can legitimately be done to alter mind-sets as employers and industrial sociologists, but also because, the mental rewiring implicit in the dialogue of meaningful culture transformation cannot deliver with anything near the urgency that the mining industry requires.

Ultimately changing cultures is a non-starter unless there are very substantial alterations in the material conditions of working life, in the stopes and in the habitat where workers spend their off-shift hours.

Far better that we keep cultural reconfiguration as a long-term milestone at which we can aim, with luck, to hit in 2213, look at what exists, what can be effectively adapted and better done behaviour-wise in the im-

mediate term. Ultimately changing cultures is a non-starter unless there are very substantial alterations in the material conditions of working life, in the stopes and in the habitat where workers spend their off-shift hours.

Marikana in particular, has complicated the platinum sector with its typical risks of deep-level mining, high labour costs, unreliable electricity supply, strong unions and empowerment problems.

Platinum's number-one producer and the world's biggest, Anglo Platinum (Amplats) lost a record R464million in the first half of 2012 in a market where prices have remained relatively flat. It has “resolved” the huge strikes at its mines after August 16th by re-hiring over a quarter of its striking labour force - initially faced with the threat of unemployment - with a once off payment of R2,000 each, which the miners have accepted as the conse-

quences of a week's-long unsupported strike has hit home. Amplats ongoing market loss over the last five years has been in the region of 14 billion US dollars, including 19 percent drop in value during 2012.(7) This was even before Marikana after which the Company lost an average 4,500 ounces per day when 12,000 workers downed tools and held out for a substantial pay increase. Since then the company, which accounts for half of Anglo sales world-wide, has been involved in a restructuring involving the resignation of its CEO and a possible unbundling of its shares to stock-holders. Smaller companies, like Aquarius, also at Marikana, have not even mined this year because of a mixture of industrial unrest and low PGM prices that have made it simply not worth doing so.

Lonmin, South Africa's third biggest platinum producer has also been hit very hard by its involvement with Marikana. Following the loss of a massive 110,000 ounces of platinum after the massacre it has been obliged to revisit spending plans on ramping up and longer-term production to feed its smelters. Lonmin has also had to deal with a possible reverse take-over from Xstrata who owns 25 percent of its shares. One of the few companies whose market value advanced in 2012, Xstrata has cited major "management and operational problems" at Lonmin as the reason for its decision to act to protect its own interests.

Lonmin required at least 700 million US dollars from share sales in order to see in 2013. This was obtained and Lonmin ownership now anticipate mining 680,000 ounces per annum from 2013 while saving R200m in the next few years through a new operational model and management structure as well as three new projects at Hossy, Saffy and the current closed K4 shaft next to the notorious K3.(8)

This is all very well but a characteristic of "renewal" plans in the mining industry is to cut costs and labour in the wake of serious production losses like those encountered throughout the platinum sector last year. This is all the more likely where it is difficult to secure critical foreign loans and fixed investment in an international climate that appears to have lost confidence in South Africa. In the eventuality some 67,000 jobs representing

about a fifth of the mining workforce could be lost in 2013 from people laid off in the mines and then in the industries dependent on the mining sector. (9) Bearing in mind that that each miner conventionally supports ten (or more) people the impact would be catastrophic on a society whose political achievements rest on very shaky economic foundations.

As we have intimated, at the end of the day it is not even clear to what extent Marikana workers benefitted from the settlement with Lonmin given the fact that they lost about 12 percent of annual wages due to the no-work-no-pay policy of the company.(10) Whatever was taken home will probably be eroded by rampant inflation and many of those on the veld on August 16th and successive days at nearby mines may well find themselves facing a narrowing of future life chances as the industry rises to the challenges posed

Marikana has also and more generally complicated the development of a human rights based environment, both in the mines and in wider society. At both levels, as the small massacre in the vast scale of things has clearly indicated, we, as people, miners, mine owners and other stakeholders in human decency need to revisit our commitment to the value of life.

by Marikana. The distinct possibility exists that the events of August 16th have actually worsened unemployment and the lives of many miners.

Marikana has also and more generally complicated the development of a human rights based en-

vironment, both in the mines and in wider society. At both levels, as the small massacre in the vast scale of things has clearly indicated, we, as people, miners, mine owners and other stakeholders in human decency need to revisit our commitment to the value of life.

On a more positive side Marikana has confirmed the challenges posed to post-apartheid South Africa. Even though government, civil society and the mining industry are uncertain about the roadmap to the future there is at least a common sentiment coming off the massacre field that in an indefinable way something fundamental needs to be done if the great South African experiment is to avoid further deterioration. It is, in these circumstances

a great historic misfortune that after Marikana it may well be more difficult to effect transformation than before August 16th. This is because the agenda has broadened to incorporate many more complex social, governmental and mining issues, and partially because there are severe inconsistencies at the interface between the public and private sectors. Twenty years after 1994 South Africa needs to face the daunting fact that an enabling environment that allows institutions to manage deepening conflict with devastating spin-offs may simply not exist.

One much commented upon consequence of Marikana is that it has effectively imploded the existing system of labour relations. The political decline of NUM has left a huge power vacuum in the labour movement where competitive struggles between NUM and AMCU are more likely to raise the level of public violence whether or not the mining industry moves on restructuring in a “humane” manner.

As 2013 eases in there are few signs that effectively preclude another Marikana, at another time or at another place. The gold mining industry will, we believe, increasingly become a site of fratricidal struggle to complement instability in the platinum sector. This is not because AMCU is inherently more manipulative, power-conscious or ruthless than the NUM it is seeking to displace, but more because AMCU, despite its growth in numbers, still lacks the organisational capacity to effectively navigate between the older union in a mining world that has no compunction about playing off the disaffected with each other, and because, in the end, there are growing numbers of workers who take the view that a plague fall upon all the existing houses. This creates huge political opportunities for semi-anarchic, rootless and mindless violence not dissimilar to that which we recently witnessed at Marikana.

“Normalisation” of the situation clearly requires a more holistic approach in the form of an over-arching industry-wide bargaining council with more effective and wider worker participation than under the present system which effectively allows NUM leaders to accumulate political power behind the guise of labour interests.⁽¹¹⁾ There is also a need, some in the industry feel, for greater

impartiality in arbitration and mediation processes that have become alarmingly dominated by the bureaucratic agendas of the Department of Labour.

Overall there are calls for a response similar to that of the Wiehan Commission in dealing with labour crises in the last years of apartheid along with a possible new dispensation for mining over 30 years later. In addition, what happened on August 16th has generated a sudden recognition of the need for sustainable development that goes to the heart of the issue of whether effecting change within mines is enough in its own right. While these are not the problems for the average mine manager there is a sense at a higher layer of authority that Marikana signals the requirement to look more intensively into the mining industry than at any time since 1994.

The months following August 16th have also highlighted the urgent need for a very belated dialogue with the arguably most wretched of the dispossessed in contemporary South Africa, i.e. the migrant workers whose basic logic of a minimal existence has changed little with the shifts of political regime and the emergence of an ANC government.

At Lonmin itself only a mere 10,000 people fall into this category whose conditions have changed little since the foundations of the mining industry. (12) Yet along the western platinum limb near Rustenburg some 70 to 80 percent of labour are effectively displaced people at different levels of geographic motion whose arrival along with masses of dependents in the many under-developed areas of the North-West seriously strains the absorption capacity of an area stretching from Klerksdorp to Rustenburg. Marikana is only one of a number of concentrations of this type that service not only the mines but other big labour-intensive industries in other areas cross-country, all of which lack any social management, development or simple support capacity. In the last analysis Marikana is only one small instance among many others on the extraction landscape where spontaneous or assisted migration generates rape, prostitution, poverty, rampant communicable diseases and social disintegration of the family and other social structures.(13)

Some ideas are already being put forward to ease the lives of migrant

workers. These include transportation plans modelled along Australian lines that would allow miners to go home to their families every two weeks, as well as more intense schemes to upgrade housing and social conditions at mine-sites. (14) Other possible responses in the wake of Marikana include shorter work cycles that allow migrants to maintain more intimate contact with their families in labour-providing areas, increased pay rewards in a flat remuneration structure and modern living quarters backed up by improved transport networks to allow migrants to commute between work and home. Whether or not these eventuate in anything once the public hysteria over the massacre diminishes remains a moot point.

The migrant issue is nevertheless connected to that of contracted labour and here again, management and mine-owners need to give deeper consideration to the misalignment between South African ways of doing things and modern international practices. This means, *inter alia*, more effective training of unskilled contractors because even in this day and age, as we have noted, mines temper training by production pressures.

How labour is brought to the mines at a time when labour broking often bears resemblance to full-scale human trafficking requires attention and its implications are high on the agenda of the trade unions. Labour broking, as we have noted, is a highly undesirable goulash of business, labour and political interests that have emerged at the interface between mining and the local economy in many mining towns of which the Rustenburg/Marikana complex is only one expression. This involves not only shop stewards and union officials whose time and attention are diverted from their representative functions by opportunities offered by lucrative state tenders and agreements around service provision, but also supervisors, middle and even senior management acting opportunistically to advance their financial and career interests. There are, for example, allegations that in some mining towns at a distance from the North-West supervisors and even members of management have stakes in illicit mining, either in the bulk supply of food to illegal miners or in the marketing of amalgam to local criminal syndicates who then pass their product into the world market.

There has been very little serious reaction by government to labour broking that degenerates into the pernicious atrocities that define human trafficking in mining or any other social sector since 1994, partially because some of its senior members are alleged to have stakes in the perpetuation of this “industry” (which also extends to commercial sex trafficking, drug trafficking and the sale of small arms throughout Africa); because some senior influential members of the mining industry are also supposed stakeholders in a direct, indirect or even unknowing manner; because no-one has thought-through an anti-trafficking law dealing with labour and sex slavery as a necessity until fairly recently; because the police cannot enforce laws that don’t exist, partially because the victims seldom speak up for fear of retribution and, finally, because

Having said this, the industry cannot be transformed for the better unless its looks far beyond mine boundaries into the murky area where the average mine manager or corporate has very little control, concern and responsibility.

our criminal justice system lacks the capacity to deal with a problem that ranks South and Southern Africa among the ten top routes in the world for modern slavery.

Having said this, the industry cannot be transformed for the better unless its looks far beyond mine boundaries into the murky area where the average mine manager or corporate has very little control, concern and responsibility. Though taken to lie “outside mining” we need to look at our immigration laws, notably the Amendment Act 13 of 2011 and the Refugees Amendment Act 12 (also 2011) which are designed to head off job seekers in the saturated South African market but which have the effect of economically under-developing places such as Lesotho, Swaziland and to a lesser extent, southern Zimbabwe. One has only to travel to the offices of the Employment Bureau of Africa (EBA) in Mbabane, the company that hires Swazis for mining jobs, to see dozens of young men milling around fruitlessly waiting for employment in cross-border mines.(15)

Swaziland (and Lesotho) characteristically receives back thousands of people broken by occupational health injuries as the price for reliance on hard currency and tax revenue fuelled by mine employment of its citizens.

Because Swaziland ranks even higher on world corruption and HIV-indices than South Africa it is failing to attract investment which finds South Africa, Mozambique (or more lately, Zimbabwe) substantially more attractive. More to the point is the fact that the immigration laws have generally become redundant in halting massive human movement into South Africa, some of which drifts - or is more perniciously “channelled” to the extractive industries. This involves less tightening the laws as most conventional thinking suggests, but more radically loosening the legal regime so that people – including the young men of Mbabane, Lesotho and the rest of sub-continental Africa - do not have to resort to the lures of criminal human smugglers working imperiously and with little fear of detection all along our national boundaries. This in turn requires building capacity in cross-border policing which is, at this point, largely a joke, and elimination of rampant corruption among border officials on both sides of the frontier.

Much “sustainable development” activity in the mining industry is seen as a matter of ticking the right boxes for numbers of clinics and classrooms rather than dealing with more intractable ecological and human problems where the proverbial “takkie hits the tar”.

On the output side from the industry, transformation must also revisit, perhaps with more seriousness than to date, the impact of extraction on near-mine communities outside mine gates and even on mine-related or labour-providing areas that are geographically distant.

This is because the mission and vision statements as well as sustainability reports of many companies, not excluding Lonmin, provide a very inexact guide to hard developmental realities at grassroots.. We can cite various cases well beyond Rustenburg where potentially worthwhile developmental projects have foundered on poor project management by mine staff who have been mysteriously seconded into “development”, avaricious consultants, all-round double-agendas, lack of transparency in dealing with communities, false promises and even financial theft on the part of key stakeholders. To re-emphasise, far too much “sustainable development” activity in the min-

ing industry is seen as a matter of ticking the right boxes for numbers of clinics and classrooms rather than dealing with more intractable ecological and human problems where the proverbial “takkie hits the tar”.

Accelerated sustainable development also requires private-public partnerships that demand commitment and capacity on the part of all role-players.

Even were the platinum companies willing to fundamentally upgrade their commitments to community development at a time when they are having to face a suite of other challenges, it is by no means certain that this would, or could, evoke a greater investment of time, energy, money and administrative resources from local authorities who, across the country, lack the capacity to govern.

In the Rustenburg area very little of the money paid into state coffers in the form of royalties, taxes, municipal rates and value-added tax appears to filter through to support the infrastructural development so desperately required at grassroots level. Part of this has to do, no doubt, with corruption that siphons off money meant for developmental purposes, but part also has to do with lack of developmental imagination experience on both the public and private sides of the equation.

The “industry”, as we have noted, is highly diversified, but dominated by a clutch of companies whose names reverberate across the world in the mining of gold, platinum, coal and diamonds. Yet the industry also includes a vast number of “other” sectors, such as manganese, iron, chrome, granite quarries, sand mines and, especially diamond mining where there is a flood of new entrants. In many of these small-scale cases there is less money for safety than in bigger operations, less interest in health and safety management often by BEE partners who have come together for singularly opportunistic reasons, and a distinctive lack of hazard and risk awareness in relatively short-life operations. Here the challenge is to link extractive activity with scarce skills, low-level earth-moving technologies, limited confidence about safety and severely constricted resources to support safety and developmental investment.

Licensing to mine in a sustainable manner needs far more careful consideration in these cases or, in the major mines, where brownfields give way to greenfields activities. More generally in the wake of Marikana there is a strong body of opinion that believes that the legal armoury must include fundamental change in the legal and institutional regime, especially the existing Labour Relations Act and collective bargaining mechanisms that effectively preclude minority unions from exercising organisational rights under conditions of flux in the labour movement.

More generally in the wake of Marikana there is a strong body of opinion that believes that the legal armoury must include fundamental change in the legal and institutional regime, especially the existing Labour Relations Act and collective bargaining mechanisms that effectively preclude minority unions from exercising organisational rights under conditions of flux in the labour movement.

These are all desirable options but the problem is that changes to laws and sustainable development cannot be conjured at the drop of a hat. These are long-term projects that are not necessarily aligned with the needs and aspirations of workers in the community who have waited for 20 years and still fail to see improvement in their daily existence and life opportunities. It is very positive that many people are now saying that we need to avoid further Marikanas: these are recognitions of the central point in this book that there are generic problems of which Marikana is only a single manifestation. Yet, changes of the order being proposed require a much deeper consensus around social goals across the divide between government and the private sector.

South Africa, it should be born in mind, has a poor compliance culture with the consequence that a good deal of what is written into law, including the MHSA and the MPRDA is an invitation to many people and companies to seek ways of circumvention and avoidance. This is a consequence of apartheid when people have to evade the law in order to ensure the basic mechanics of survival.

Marikana represents a failure of business, government and, in the opinion of some commentators, of labour law. Having said this we need to be cautious as to what revised labour laws can actually do after initial take-off to change a situation where some of the key considerations are human subjectivities such as behaviour, rights, aspirations, perceptions, and values. South African mining has historically represented ruthless exploitation, part of which is a matter of image and part of which reflects the adverse working conditions of black South Africans over centuries.

Marikana was not simply a wage issue but is about the way aspiring people twenty years after “liberation” are still being maltreated both in and outside the workplace. While much of the focus has been lack of status on the part of relatively advantaged rock-drillers as an enervating force in the first Marikana protests, the eventual spread of strikes to all layers of operators and supervisors throughout the industry clearly indicates that most, if not all, mineworkers share the feelings of dispossession, disempowerment and non-recognition experienced by the greater mass of disadvantaged people making up the majority in South Africa. In the circumstances changes in the labour laws, no matter how radical, must be part of a wider initiative to alter the legislated and physical infrastructure of poverty and social inequality throughout the country.

In the last analysis law can only be brought to bear on social development where there is respect for government, identification with the legal principles of the state (as embodied in our case in a Bill of Rights and Constitution), where government has the impartiality and will to offer institutional support to the legal framework irrespective of narrow political considerations, and where it has, in the last analysis, moral and administrative capacity to underwrite the legal process.

Ultimately we need to face the unpalatable and disturbing fact that these pre-conditions to effective law implementation may exist in a very attenuated form in South Africa – in which case the emerging public dialogue over regenerated Wiehahn commissions, radical change to labour laws, i.e to the formal instruments governing extraction activity are entirely misaligned

with the realities of the political and governmental framework.

The role of the state in all of this is highly salient and reflects problems of local government and the justice system which reflect poorly on a country that claims to be stable, effective and democratic twenty years after 1994. Local government in Bojanelo and Rustenburg is notoriously corrupt, overtly murderous and, much like local government nationwide, almost totally incapacitated.

This represents a major problem for the Lonmin and other companies in servicing community development even in cases where most programmes have no reality and exist only in the tick boxes of annual reports. Much that is, or is not, done in the safety arena is also not about safety per se, but rather a question of employers' unions' and government expectations from revisions of the "pact" negotiated between the state and mining capital at the end of apartheid. Seen in this context, changes in the MHSA are clearly a thin edge of the wedge linked to power relations embedded in the Mining Charter, the MPRDA and the role of mining in the forging of a new development state.

Workers need to become what the Minister of Mineral Resources calls "proud shareholders of the means of production" at the post-Marikana annual general meeting of the Chamber of Mines in November 2012. In reality, mining, safety and issues of mine ownership are far more politicised than extractive activity in places like Canada, the USA or Australia because of the relative importance of mining to the national economy, because mining has been historically so central to the reproduction of class and racial power over centuries, and ultimately because the mining sector is a primary target for the transformative policies of the post-apartheid state.

Ultimately, just about everything that takes place in mining reflects a broader circle of activity with distinctive political dimensions. It is, in fact, totally impossible to insulate extraction from the dramatic changes (or lack thereof) that have taken place in the post-apartheid state since 1994. Tripartite collaboration (or conflict) between the key stakeholders will ultimately

determine the near future. This covers interaction between the corporates and the labour movement and both key role-players with a government network where capacity and communication are very much a problem.

According to some commentators the mining industry requires deregulation. In fact, an unhealthy proportion of regulation including provisions under the MHSA and the MPRDA are purely theoretical and there needs to be considerably more public accountability on the part of the industry when it comes to issues of human rights and workplace safety. We can, as within mines, wait on attitudes or habits to change but in order to accelerate this process an essential first-step is to better arm the DRM in the exercise of its statutory power to ensure actual felt impact in the workplace.

Institutional reorganisation to impart more operational meaning to MHSA frameworks and injunctions already in situ ideally includes creating significantly more inquisitorial capacity in a mining inspectorate defined in Sections 47 to 58 of the MHSA but often depleted of specialist personnel by a mixture of historical, educational and market factors; sustainable training and learner programmes along the lines of current MQA initiative to train inspectors; building more inclusive information systems to support public policy (especially geological information pertinent to accidents that mining companies keep to themselves); and greater use of technologies to improve planning and targeting of the thousands of locations, some quite elderly, that require monitoring in the mining sector.

Compliance-based extraction activity requires more stringent mechanisms to identify, warn and, where necessary, sanction violators of the legal and policy frameworks. It is an extraordinary fact that no one has ever been convicted of contravening the MHSA in terms of Chapter Seven which governs legal proceedings and offences. Because of the incidence of accidents and lack of personnel in the MHSI (mining inspectorate) most inspectors and their staff are also effectively bogged down in reactive work (accident investigations and inquiries) as opposed to pro-active work, such as audits and inspections.

MHSI compliance warnings also need to be taken much more seriously by mine owners but this is unlikely to occur until the inspectorate has a permanent cadre of officials who have the time, resources and vigilance to track down information pro-actively and to follow up investigations to points of prosecution in some cases. The maximum fine levied on mining companies who fail to obey the rules is laughably small and it is still very difficult for the state to obtain convictions when mining companies wrap up fines in legal technicalities that can take years to resolve. In these circumstances the inspectorate is sometimes left with instructions to suspend operations as the only means to exercise its authority.

Greater alignment is required between industrial requirements and DMR policy to enforce safety stoppages through energetic use of Section 54 of the MHSA. Given the likelihood that these stoppages will continue into the foreseeable future given current sentiments in the DMR, it is important that the mining companies begin to look at ways to mitigate the impact on operational and financial performance.

This requires, as Lonmin's Ian Farmer has pointed out, better understanding in government circles of the steps already taken to improve safety as well as more joint action between employers and unions in the design and implementation of safety plans. Above all, better relations between capital and government over safety requires continuous and demonstrably improved safety performance.

Much DMR aggression lies in frustration with what the Presidential Audit calls the requirement to develop "a strong and well resourced enforcement agency to fearlessly take on a well established and well resourced mining industry".⁽¹⁶⁾ -Put another way, this means that the DMR lacks human capacity to regulate a well organised and established mining industry. (The Presidential Audit itself has a peculiar history having been mandated by the Office of the President, but then completed at virtually the last moment by external consultants called in to deal with methodological problems that the DMR at that point could not handle).

Today, years later, the DMR, like the companies it regulated, has problems of organisational culture with in-house bureaucratic struggles that mirror generational and party political/ideological divisions. This, in turn reflects wider tensions in most governmental departments of the post-apartheid state. At the top management level more time is “lost” to government as a result of lucrative job opportunities being offered in the private sector, in this instance the mining industry. Middle management also lacks experienced people, especially mine inspectors whose ability to render Section 54’s is a major source of contention in the interface between the mines and the regulator.

In the meantime the DMR with its various regional divisions continues with an often literalist enforcement of safety regulations by a relatively small number of highly pressurised inspectors who now constitute an independent agency within the DMR. Their work in closing mines is very important in conveying the message that government takes worker conditions seriously, but in the short-term fuels major tension. In the Free State Goldfields, for example, the captains of the industry are almost completely at loggerheads with the regional inspectorate who, in the corporate opinion, closes mines, at any excuse, with costly regularity.

The human asset problem in DMR and other arms of the bureaucracy will only be resolved when motivated young bright people come to see government as an employer of choice rather than a milch cow for extracting public sector funds in the form of kickbacks on tenders and mining licences. Needless to say, this fuels the huge networks of government corruption for which South Africa has become infamous, particularly in foreign investor circles. In the meantime the DMR continues to face serious challenges, from monitoring the new version of the Mining Charter to controlling the law with rising entrepreneurial activity in low grade mining areas.

The radical alternative obviously encompasses nationalisation whose desirability and execution requires a book in itself. Suffice to say that at this point mainstream thinking in government excludes public ownership of the extraction industries but favours tighter controls backed up by higher taxation. While this is being worked out in various tripartite fora, mines are los-

ing an estimated R6 million per day (or R3.24 billion per annum) because of Section 54 administrative closures even before the spill over of Marikana into strikes and stoppages that have plummeted mining into its worst crisis since apartheid. This has bolstered the view long before Marikana that the DMR is a partner to a process of golden-goose killing that could effectively liquidate mining “in an economy that is on the skids, where jobs are being lost, mines closing and poverty deepening”. After Marikana the long-term future of mining as we know it, and as a sustainable business, is seriously at risk.

It is far too early to speculate on the longer-term consequences of DMR continuing to exercise muscle through amendments to the MHSA or changes of industrial ownership under a reconstructed version of the Mining Charter. Mechanisation, which many analysts advocate after the current round of serious industrial actions following August 16th is meanwhile a huge political hot potato in tripartite relations between employers, unions and government at a time when creating jobs is a national priority. A portent is the relatively new Gold Fields mine at South Deep which has broken boundaries in gold extraction and is currently being billed as one of the most advanced deep-mining operations in the world. It is fully mechanised and has sophisticated earth-moving technologies and, most significantly, requires half as many workers as a mine of comparable size and nature.

The future depends on many as yet unpredictable factors both inside and outside SA. These include the willingness of the extractive industries to come to the table to discuss meaningful and not palliative restructuring; the behaviour of such important institutions as the tripartite employment task team at the Chamber of Mines in meeting its consequences; the trajectory followed by the labour movement and, not least, the long-term outcome of the 2012 Mangaung Conference of the ANC in addressing an increasingly fractured, irresponsible and lethargic political leadership.

The ruling ANC must take steps to address its organisational paralysis if it is to remain the leading political force in South Africa up to and beyond the 2014 elections. This involves more than moving the deck-chairs or shifting people. Despite his intimate connections with the mining industry as both

trade unionist and tycoon, the election of Cyril Ramaphosa to a position of high office in the ANC is unlikely to make a difference to the essential nature of ANC hegemony, unless he is able to establish his own independent base within (or outside) the ruling party. No one except the more desperate will be fooled by the bizarre irony of a billionaire president in one of the world's most persistently unequal countries.

South Africa is, in fact, the richest state on earth, with a known mineral list in excess of 2-trillion US dollars. However, the extractive industries still suffer from the absence of a reliable long term energy supply, lack of foreign

The problem is not what has changed in the last twenty years but what has not in the vast landscape between the stinking shack settlements of the North-West and the highest reaches of corporate and public governance.

capital, uncertainty around the governance of extraction, as well as poor human capacity at all levels. It is one of the ironies of the times – or perhaps one of its sadder – that despite this potential underground wealth, more and

more of the local population on surface are totally “gatvol” – literally “had enough” of poverty, inequality, corruption, poor education, HIV-AIDS, crime, governmental incompetence, broken promises, Marikana (which is shameful for any country representing itself as a democratic nation) and a mining industry which appears, from the grassroots, as impervious to human rights.

Ultimately the problem is not what has changed in the last twenty years but what has not in the vast landscape between the shack settlements of the North-West and the highest reaches of corporate and public governance. In both cases, in mining and in governmental leadership, there is, in the end, absolutely little sense of strategic vision that is implementable in a manner that even remotely serves the broad public interest. In both cases, behaviour in leadership ranks and right down the ladder to bottom rungs is largely-driven by organisational inconsistencies, fads, moods, vendettas, redundant ideologies, poor planning and policy roll-out manipulated to serve bureaucratic, sectarian or personal interests.

Much like the apartheid regime, the ruling ANC has also confused party and state interests. This, and other factors, have encouraged a nation-wide culture of violence which universal experience shows to be inevitably fatal for social justice and human rights in newly-democratic countries. One manifestation of this conflict outside mining is communities where confrontation between police and people over lack of basic services and jobs causes deaths and injuries on a now-daily basis.

In Marikana itself, violence bred of the internecine struggles of August 2012 is clearly endemic and the last few weeks have seen another series of deaths as NUM and AMCU come up hard against each other, both in the sunshine and sub-surface. There is no doubt that 2013, if not beyond, will see many more bodies peppering the veld cross-country from the North-West province. This is because industrial anarchy is ineluctably on the rise as a result of stagnancy in economic and political leadership at all levels. No one at this point appears to have the insight, capacity or above, all, will and commitment to take significant action, even retro-actively, in addressing the powerful social forces unleashed by 16/08.

In longer-term historic perspective Marikana may well be the “sell-date” for the persistently unequal power relations associated with the ANC and entrenched, in the last two decades, under the umbrella of “democracy”. The core work of government (and industry) is, as then, to work jointly in providing people with adequate living standards, to build an inclusive climate for humane relationships and, to no less importantly, encourage self and collective empowerment among all South Africans. The ANC government - as indeed the mining industry - has dismally failed on at least two and possibly all three of these fundamental criteria for sustaining the open society that we and the world anticipated, innocently and naively, in the first heady days after 1994. This, in the end is the message of Marikana..

FOOTNOTES

INTRODUCTION

Democracy's Sharpeville

1. On Sharpeville see Philip Frankel (2004) – *An Ordinary Atrocity: Sharpeville and Its Massacre* (New Haven: Yale University Press).

2. See Peter Alexander, Thapelo Lekgowa, Botsang Mmope, Luke Sinwell & Bongani Xewzi (2012) – *Marikana: A View from the Mountain and a Case to be Answered* (Johannesburg: Jacana Media).

3. The South African platinum area, sometimes called the “bushveld complex” has two “limbs” – The Western limb centered on Rustenburg, where one finds Marikana as well as many other mines owned by mega-corporations, and the Eastern limb which runs along the Western boundary of the Kruger National Park up north to the Limpopo River and the border with Zimbabwe.

4. This is noted in a recent study by the Benchmarks Foundation in Johannesburg which has been conducting research into the platinum industry of the North-West Province for a number of years. The culmination of their work could not foresee the events at Marikana but a recently sombre report indicated that there were multiple problems among mines in the area, including Lonmin. See – *A Review of Platinum Mining in the Bojanelo District of the North-West Province: A Participatory Action Research (PAR) Approach* (Johannesburg: Benchmarks Foundation, Policy Gap No 6, 2012).

5. There are three operational shafts at Lonmin Marikana mine – Easter, Western and Karee 3. (Karee 4 is closed) Other major mines operating in the area include Anglo-American Platinum (Amplats), Impala Platinum (Implats) and Aquarius.

6. There are various inconsistencies about the number of deaths and especially injuries resulting on 16/08. The official number of dead from police fire is given as 34 of whom some were killed on the veld and some in the nearby rocks many minutes after the initial massacre. This suggests an element of premeditation in police action. See “Carte Blanche”, M-Net Television, South Africa, 10th March 2013. A further 16 people were killed in other protest actions linked to and following Marikana.

7. A number of disturbances resulting in injuries and the loss of life took their cue from the initial Marikana strike and occurred far away from the North-West Province. These include industrial actions in the coalfields of Northern Kwa-Zulu Natal where a number of miners were

either shot or hacked to death, as well as a protracted strike at the giant Anglo ore mine at Kumba. As of the beginning of 2013, Harmony Mine, the third largest South African producer, has announced the closure of one of its biggest Free State mines because of ongoing violence between NUM and AMCU workers.

8. See the Economist (London) which published an excellent but controversial review of South Africa shortly after 16/08. This generated many statistics that impact negatively on the roadmap following the “miracle” transformation of South Africa to democracy in 1994.

9. There are a number large number of “human factor” type studies generated in South Africa over the last few years. The most prominent is, Philip Frankel (2009) – *Falling Ground: Human Approaches to Mine Safety in South Africa*. Frankel, See also Philip Frankel & Stephen Louw (2006) – “Research into Behaviour-Based Safety at Anglo-American Business Units”. Paper presented to the ICMM Conference on Health and Safety. Johannesburg,.November.

10. South Deep, owned by Goldfields, is the most mechanized gold mine in South Africa and one of the most leading-edge in the world. Ironically, close on a dozen miners were killed in its ramping-up process prior to the beginning of mining activity. Goldfields continues to figure prominently in mortality figures in mining during 2012.

11. See Department of Minerals and Energy (2008) – Presidential Mine Health and Safety Audit. This was commissioned from the Department of Mineral Resources (DMR), previously the Department of Minerals and Energy (DME) by the Office of the President under Thabo Mbeki. One of the final versions was co-authored by a team from the University of the Witwatersrand, Johannesburg which included the current author.

12. Wessels, V (2011, August 24th) “Marikana Output Halted by Community Protest, Business Report Says” Bloomberg. www.bloomberg.com/news.

13. The term comes from the iconic study of the social psychology of colonialism authored by Frantz Fanon. See Fanon (1976), *The Wretched of the Earth*. (London: Penguin Books).

14. See A Review of Platinum Mining in the Bojanelo District of the North-West Province: A Participatory Action Research (PAR) Approach (Johannesburg: Benchmarks Foundation, Policy Gap No 6, 2012).

15. The first major study into occupational safety and health after apartheid was the so-called Leon Commission of Inquiry in 1995. This pointed out, inter alia, that about 69,000 deaths had occurred in the mining industry as of 1995 since its foundation in the 19th century. Leon also noted countless millions of migrant workers whose health and been compromised by respiratory diseases including tuberculosis and silicosis. See Republic of South Africa (1995)

– Report of the Leon Commission of Inquiry into Safety and Health in the Mining Industry.

16. The Star (Business Report), 19th November 2012.

CHAPTER 1

Killing

1. There are few footnotes in this section because the actual events of 16/08 remain to be fully documented. We have in the meantime drawn on dozens of media reports, the Peter Alexander book (*ibid*) which focusses on the strikers as well as interviews conducted by our own research team at Marikana among miners, residents of the informal settlement and other stakeholders in the massacre including members of South African public order policing unit. Lonmin management was also very helpful in providing their version of the events of 16/08.

2. See Philip Frankel (2004) – *An Ordinary Atrocity: Sharpeville and Its Massacre* (New Haven: Yale University Press).

3. The Star (Business Report), 28th October 2012.

4. On RDO's see Paul Stewart – "The 2012 Strike Wave, Marikana and the History of Rock-Drillers in South African Mines", *Global Labour Column* No 121, January 2013. (International Labour Organisation: Corporate Strategy and Industrial Development).

CHAPTER 2

Working

1. There are unfortunately many examples of massacres in contemporary history. The references here are to Oradour-sur-Glane where, during the World War II, the German army killed virtually the entire population of a small French town on suspicion that its inhabitants were harbouring members of the resistance; Amritsar, where Indian civilians were murdered en masse under British colonialism; and Katyn, when, after the Soviet occupation of Eastern Poland at the beginning of World War II, virtually the entire Polish army officer class was murdered. This was first attributed to the German army. For an overall view of massacres as social phenomenon see Mark Levene & Penny Roberts, *The Massacre in History* (New York: Berghahn Books, 1999)

2. See inter alia Lonmin (2010), "We-Based Sustainable Development Report for the Year Ending 30th September 2010" as well as Annual and Sustainable Development Reports etc at www.lonmin.com. Lonmin "core-values" figure in many company documents made public,

including, as is the case with other major mining companies, its Annual Report.

3. These statistics form part of the report delivered by Lonmin CEO Ian Farmer in a presentation on the platinum industry made at a recent mining Indaba. This key-event is now held annually in Cape Town.

4. Lonmin *ibid*.

5. Republic of South Africa (1996) – Mine Health and Safety Act (No 29 of 1996). This represents a major post-apartheid development in the protection of human rights of labour but is, in many respects, un-implementable for a number of reasons including hostility of some of the major mining corporations to the new legal regime.

6 See Department of Minerals and Energy (2008) – Presidential Mine Health and Safety Audit.

7. See Sarkus, D.J. (2001) "Safety and psychology: where do we go from here?," Professional Safety. Volume 46. No.1.

8. There is believed to be a huge incidence of mental and emotional disturbance among miners which goes largely unreported despite being a major underground hazard. Some research suggesting the dimensions has however be conducted in recent years. See, for example, Maiden, R. Paul and Terreblanche Lourens (2007), "Managing the trauma of community violence and workplace accidents in South Africa" University of Pretoria Library Services. UP Institutional Repository at <http://repository.up.ac.za>.

9. Anglo-American has produced a number of succeeding documents each of which defines a "sustainable safety strategy". See, *inter alia* Institute for Institutional and Social Sustainability (ISIS)(2008) – Engaging for Safety: An Analysis and Toolkit for Anglo-Base Metals (2002) SHE Strategy Manual 2009-2011 (Johannesburg: Anglo Platinum, March).

10. There is a very substantial international literature on mine safety which has become a growth industry as its importance for production has been recognised. Amongst these one of the best studies on the relationship between occupational risk and safety in mining and other industries is James Reason (2010) – Human Error (Cambridge: Cambridge University Press). In addition, Sutherland, Valerie, Makin, Peter and Cox, Charles (2000) – The Management of Safety: The Behavioural Approach to Changing Organisations (London: Sage Publications). Considerable work has been done in post-millennial South Africa by organisations such as the Mining Health and Safety Council: Mining Health and Safety Council (MHSC) – A Survey of Health and Safety Culture in the South African Mining Industry (SIM 030102).

11. Mail & Guardian 16th November 2012.

12. Among the numerous studies on the public health consequences see Hanifa, Y, Churchyard, G Grant A, Fielding K, Corbett e, & Karim S (2006) – Prevalence of Latent TB Infection Among South African Gold Miners (Johannesburg: SIMRAC – Safety in Mines Research Advisory Committee, Project SIMRAC 05-08-01: International Organisation for Migration (IOM) (2010), Regional Assessment of HIV Prevention Needs. An extremely good documentary based on the experiences of Swazi migrant workers in South African mines has also been produced recently by Jonathan Smith. See “They Go to Die” at www.theygotodie.com.

CHAPTER 3

Moving

1. The Star (Business Report), 28th October 2012.

2. Mark Lagon, “Trafficking and Human Dignity” Policy Review December 2008. There is a growing literature on TIP (trafficking in persons) in South and Southern Africa some of which reinforces the current study.

3. On alleged human trafficking and labour exploitation in the KZN-Natal sugar industry, see Africare Report 13th March 2012. www.africarereport.com.

4. Mail & Guardian, May 9th 2009.

5. The Star 13th March 2012.

6. The Free State gold mines are normally considered the heartland of illegal mining. A major accident killing several dozen “zama-zamas” occurred in mid-2009 and this fueled a revealing situation. See, among other articles appearing at the time Mining Weekly, 3rd July 2009; Mining Weekly, July 17th 2009; Mining Weekly, 25th September 2009; Mining Weekly, 13th November 2009.

7. Mail & Guardian 23rd September 2010.

CHAPTER 4

Living

1. See A Review of Platinum Mining in the Bojanelo District of the North-West Province: A Participatory Action Research (PAR) Approach (Johannesburg: Benchmarks Foundation,

Policy Gap No 6, 2012)

2. Republic of South Africa (2002) – Minerals and Petroleum Resources Development Act (No 28 of 2002).

3. On a personal note I was asked to assess one of the most highly-regarded closure experiments at a South African coal-mine near Witbank in Mpumalanga. The opening presentation included 200 overheads about environmental development policy that had transformed the dumps and pits into a veritable paradise. Not a single mention was made of several thousand workers who were displaced by the closure. At the end of the audit, our team found that roughly a dozen sustainable jobs had been eventually created!

4. For a taste of the developmental landscape encouraged by the mining industry I examined a variety of “SD” reports on various companies, some of which figured in a volume generated by Nelida Press in Cape Town during the last years of the previous decade. This indicates that already by then South African mining companies had taken a number of steps, some, but by no means all of which were successful in meeting their objectives. See *Deep South Africa – Sustainable Development* (Cape Town: Nelida Publishing). Subsequent material appears in the sustainable development reports published annually by most major South African mining companies.

5. See *A Review of Platinum Mining in the Bojanelo District of the North-West Province: A Participatory Action Research (PAR) Approach* (Johannesburg: Benchmarks Foundation, Policy Gap No 6, 2012).

6. See Breitenbach, Danette (2009) – “The Year in Review” in *Deep South 2009* – Health and Safety (Cape Town: 3rd Edition, Nelida Publishing).

7. A number of “toolkits” to plan and monitor sustainable development have been produced by the industry. One of the best is that of Anglo-American. See *Sustainable Development Planning and Mine Closure Toolkit* (Anglo American Version 1, 2007).

8. *The Star* (Business Report), 19th November 2012.

9 Breitenbach, Danette (2009) – “The Year in Review” in *Deep South 2009* – Health and Safety (Cape Town: 3rd Edition, Nelida Publishing).

10. *Mining Weekly*. 9th November 2012.

11. *ibid*.

12. *ibid*

13. Mail & Guardian. 16th November 2012

CONCLUSION: Over the Rainbow?

1. The Star (Business Report), 19th November 2012.

2. Ibid.

3. Ibid.

4. Mining Weekly. 9th November 2012.

5. On this point see Covey, S.R. (1991) – *Principle-Centred Leadership* (New York: Simon & Schuster). This emphasis on leadership versus management also figured in a project with which we involved at a Total coal-mine in Mpumalanga. This went from being highly hazardous to utterly safe – at least in the short-term. See Philip Frankel (2007) – “Superficial tinkering will not save lives underground” in *Business Day*, 23rd October 2007.

6. See, among many other studies, the classic Richard Fagen, *The Transformation of Political Culture in Cuba* (Stanford: Stanford University Press, 1969).

7. Mining Weekly. 9th November 2012.

8. Ibid.

9. The Star (Business Report), 19th November 2012.

10. *ibid.*

11. Mining Weekly. 9th November 2012.

12. The Star (Business Report), 28th October 2012.

13. Cronje J.F. & Chenga C.S (2007) – “Health issues in a mining community in South Africa” in T. Falolo & M.M. Heaton (eds) – *HIV/AIDS, Illness and African Well-Being* (Rochester, New York: University of Rochester Press).

14. The Star (Business Report), 19th November 2012.

15. On Marikana Youth see A Review of Platinum Mining in the Bojanelo District of

the North-West Province: A Participatory Action Research (PAR) Approach (Johannesburg: Benchmarks Foundation, Policy Gap No 6, 2012).Benchmarks Foundation.

15. Mining Weekly 9th November 2012.

16. Department of Minerals and Energy (2008) – Presidential Mine Health and Safety Audit.

"Rainbows" dissects the South African "miracle" across a vast landscape from the shack settlements of Marikana to the highest levels of government and corporate behaviour in the South Africa mining industry.

It sets out what we know about the Marikana massacre against the background of hazardous work conditions in the mines two decades after "liberation".

Going well beyond the Farlam Commission of Inquiry it also examines, for the first time, the nightmare world of labour broking-cum-human trafficking. It evaluates the prospects for improving life in the near-mine communities that magnetise the poor and jobless in a society ranked among the most unequal, in the world.

The book is essential reading for anyone interested in a country of iconic proportions whose political and economic leadership is fast losing capacity to service basic human needs and disappointed popular aspirations.

This includes readers in the mining sector, in ethical investment circles across the globe, labour activists, academics, opinion-makers, government and anyone else with an interest in human rights and social justice.

Professor Philip Frankel is a former head of the Department of Political Studies at the University of the Witwatersrand in Johannesburg.

He is now consulting through ASR to high-end public and private sector clients in South Africa and internationally.

As a political and organisational sociologist he has authored, inter alia,

An Ordinary Atrocity: Sharpeville and its Massacre;
Falling Ground: Human Approaches to Mine Safety in South Africa;
Soldiers in A Storm: The Role of the Armed Forces in South Africa's
Democratic Transition, and
Pretoria's Praetorians: Civil-Military Relations in South Africa.

